

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
August 10, 2005**

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., August 10, 2005, in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Max W. Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2, Fulton Brock, District 1; Andrew Kunasek, District 3, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Juanita Garza, Minutes Coordinator; David Smith, County Manager; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

INVOCATION

Michael Jeanes, delivered the invocation.

PLEDGE OF ALLEGIANCE

Rich McHattie, led the assemblage in the Pledge of Allegiance.

Chairman Wilson commented on the well-being of Probation Officer Bill Harkins who was injured while performing his duty. His family is grateful for all the prayers and support from the public.

PRESENTATION TO THE HONORABLE COLIN CAMPBELL

Chairman Wilson presented The Honorable Colin Campbell with a plaque in recognition of his 5 years of service as presiding judge of the Maricopa County Superior Court. Chairman Wilson wished him well on his new assignment to the Family Court for divorce and child support cases.

Judge Colin Campbell thanked the Supervisors and the staff he had the opportunity to work with.

The Supervisors took the opportunity to thank Judge Campbell for his service and leadership as presiding judge.

SERVICE AWARDS

Chairman Wilson joined various department heads in presenting the awards recognizing employees who have provided 30 or more years of public service to Maricopa County. (C3505023900) (ADM3341)

30 - 34 Years of Service

Employee	Department	Years of Service
Wormley, Phillip J.	Juvenile Probation	30 years since April 6, 1975
Radcliffe, Sherry L.	Transportation	30 years since April 6, 1975
Ramirez, Daniel H. (Jr.)	Environmental Services	30 years since April 6, 1975
Avila, Alex J.	Transportation	30 years since April 14, 1975
Russell, Robin A.	Juvenile Probation	30 years since April 20, 1975
Hotham, Jeffrey A.	Trial Courts	30 years since April 28, 1975
Gaines, Sherman L.	Transportation	30 years since May 7, 1975
Lignoski, Kenneth	Sheriff's Office	30 years since May 20, 1975
Corella, Herman G.	Maricopa Managed Care Systems	31 years since August 26, 1974
Rogers, Ronald S.	Trial Courts	31 years since May 13, 1974
Collins, Diane M.	Maricopa Managed Care Systems	32 years since June 4, 1973

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Daily, Joyce M.	Maricopa Managed Care Systems	33 years since May 22, 1972
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35 - 40 Years of Service

Employee	Department	Years of Service
Spratley, James K.	Sheriff's Office	35 years since May 8, 1970
Moore, Garland C.	Sheriff's Office	35 years since May 25, 1970
Watson, James Duffy	Clerk of Superior Court	37 years since February 5, 1968

PET OF THE MONTH

Julie Bank, Maricopa County Animal Care & Control, introduced "George", a one-year-old Cocker Spaniel, as the pet of the month. She described him as a very sweet and lovable dog. Ms. Banks said George came to the animal control facility as a stray and he is now fully vaccinated and neutered. "George" will be available for adoption later today at the facility on 35th Avenue between Camelback and Missouri. She also reminded the public to keep their pets indoors during the monsoon season.

CONTRACT WITH KACHINA AUTOMOTIVE EQUIPMENT, INC. FOR VOLUNTARY VEHICLE REPAIR AND RETROFIT PROGRAM

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a sole source contract with Kachina Automotive Equipment, Inc. as the exclusive distributor for Neutronics Enterprises, Inc. The contract, in the amount of \$485,000, will allow the Air Quality Department to meet requirements set forth in A.R.S. §49-474.03. The contract will continue the Voluntary Vehicle Repair and Retrofit Program operations effective July 1, 2005 through June 30, 2006. Administrative costs have been reserved through this appropriation. (C8506001300) (Addendum A-1)

Supervisor Brock commented on how pleased he was to move this contract forward. This program allows for owners of vehicles that fail the emissions test to qualify based on the age of the vehicle and receive a kit that will clean the ignition or assistance with repairs.

REVISIONS TO FY 2005-06 PERFORMANCE-BASED COMPENSATION PLAN

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve revisions to the FY 2005-06 Performance-Based Salary Advancement Plan to allow red-lined employees (i.e., those earning at or above the maximum of the salary range for their position) to receive one-time lump sum payments, not-to-exceed \$1,500 per employee. Approve the re-naming of this plan from "2005-06 Performance-Based Salary Advancement Plan" to "FY 2005-06 Performance-Based Compensation Plan" to better reflect the content of the document. The provisions of this document supersede Section V1, Paragraph A and Section VII, Paragraph D of the Maricopa County Compensation Plan, entitled "Salary Advancement" and "Salary Incentive Award," respectively.

In accordance with A.R.S. §42-17106(B), approve the following:

- o Transfer \$350,000 from Appropriated Fund Balance (Department 480), General Fund (Fund 100), General Contingency (4811) to a new line in Appropriated Fund Balance (Department 480) Other Programs (4812) entitled One-Time Performance Awards;

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- o Transfer \$75,000 from Appropriated Fund Balance (Department 480), Detention Fund (Fund 255), General Contingency (4811) to a new line in Appropriated Fund Balance (Department 480) Other Programs (4812) entitled One-Time Performance Awards; and
- o Transfer appropriated budget amounts as necessary to non-General and non-Detention funded departments and funds from General Government (Department 470), General Government Grant Fund (Fund 249), Compensation Reserve as necessary to fund these one-time lump sum payments. (C4906007800) (Addendum A-2) (ADM 3308)

IGA WITH MARICOPA COUNTY SPECIAL HEALTH CARE DISTRICT FOR FINANCIAL ASSISTANCE PACKAGE

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the intergovernmental agreement (IGA) between Maricopa County and the Maricopa County Special Health Care District for a package of financial assistance measures to be provided by the County to the District. (C1806011200) (Addendum A-3) (ADM 4496)

David Smith said that the Special Health Care District began to operate independently as of January 1, 2005 and the result of this IGA is a work product of a number of discussions amongst the Board and many counterparts. Mr. Smith indicated that the additional financial assistance, which would include a one-time loan, might guarantee the financial success of the Health Care District. Mr. Smith stated that the Health Care District is showing better performance in terms of revenue collections and feels optimistic about the financial stability.

Supervisor Wilcox thanked Tom Manos, Wes Baysinger, Chris Keller, David Smith and the team of people that came together to work on this matter. Ms. Wilcox stated that this would conclude the separation of the Hospital from the County and would solidify the Health Care District financially.

Supervisor Brock agreed that all the efforts have paid off and the Health Care District is headed in the right direction.

PUBLIC HEARING – LIQUOR LICENSE APPLICATION

Chairman Wilson called for a public hearing on liquor license applications. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek to recommend approval of the following liquor license application:

- a. Application filed by Jae Ryong Tak for an Original Series 10 Liquor License: (LL6151)

Business Name:	Tumbleweed Market
Location:	7145 S. 51 st Avenue, #10, Laveen, 85339

Motion to approve a) carried by majority vote (4-1) with Supervisor Kunasek, Wilson, Wilcox, and Stapley voting "aye" and Supervisor Brock voting "no."

The Clerk, Fran McCarrol, informed the Board that staff was requesting that the next application be continued to August 24, 2005.

- b. Application filed by Sonia Zapata for an Original Series 10 Liquor License: **CONTINUE** (LL6152)

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Business Name: La Casade Villa Mexican Food, LLC
Location: 711 E. Carefree Highway, #160, Phoenix, 85085

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to continue item b) to the August 24, 2005 meeting.

PUBLIC HEARING – BINGO LICENSE APPLICATION

Chairman Wilson called for a public hearing on a bingo license application filed by VFW Daisy Mountain Post #12031. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to recommend approval of the following bingo license application:

Application filed by VFW Daisy Mountain Post #12031 for a Bingo License Location Transfer (ADM657-022):

Location: 40404 N. Gavilan Peak Parkway, Anthem 85086
Day/Time: 3rd Friday of the month, 6:30 p.m.

ROAD DECLARED (ROAD FILE NO. A319)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) that the following resolution be adopted: (C6405335B00)

WHEREAS, pursuant to A.R.S. §28-6701, on the 22nd day of June, 2005, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A portion of 124th Street lying within the North half of Section Twenty-Six (26), Township Two (2) South, Range Five (5) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona and is described as follows:

The West 30 feet of the Northwest quarter of the Northwest quarter of the Northeast quarter (NW4NW4NE4) and the East 30 feet of the Northeast quarter of the Northeast quarter of the Northwest quarter (NE4NE4NW4) of said Section 26.

Said alignment is also known as 124th Street, from Chandler Heights Road to the South Line of the North half of the North half of the North half of Section 26 Township 2 South, Range 5 East.

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in the Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

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NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 10th day of August, 2005

ROAD DECLARED (ROAD FILE NO. 5339)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) that the following resolution be adopted: (C6405343000)

WHEREAS, pursuant to A.R.S. §28-6701, on the 6th day of July, 2005, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

The following roads between Johnson Road (307th Ave) and 311th Avenue: Roosevelt Street, Portland Street, Latham Street, Bellview Street, and Lynwood Street. Also 308th Avenue between Roosevelt Street and McDowell Road.
General Vicinity: McDowell Road and Johnson Road

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in the Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

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BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 10th day of August, 2005

PUBLIC HEARING – EASEMENT

Chairman Wilson called for a public hearing regarding easement for APS for electrical service to New River Senior Center. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the execution of a 0.21 acre easement for Arizona Public Service (APS) that allows for electrical service to New River Senior Center at the New River Community Park at no cost to the county or APS. (C3005046M00) (ADM2009) (ADM4206)

PUBLIC HEARING – EASEMENT

Chairman Wilson called for a public hearing regarding easement for SRP for electrical service at San Tan Mountains Regional Park. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the execution of a 0.08 acre easement for Salt River Project (SRP) that allows for electrical service to the Entrance Station at San Tan Mountains Regional Park at no cost to the county or SRP. (C3005049M00) (ADM2013)

PUBLIC HEARING – AIR POLLUTION CONTROL REGULATION RULE 325

As required by A.R.S. §49-479(b), Chairman Wilson called for a public hearing to solicit comments on the proposed new rule, Maricopa County Air Pollution Control Regulation Rule 325, on Brick and Structural Clay Products. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (5-0) to approve Maricopa County Air Pollution Control Regulation Rule 325, Brick and Structural Clay Products Manufacturing. (C8505025M00) (ADM2354)

EXECUTIVE SUMMARY

New Rule 325 regulates particulate matter emissions from brick and structural clay products manufacturing facilities that were previously regulated by Rule 311 – Particulate Matter From Process Industries. By adopting this rule, Maricopa County is proposing to incorporate Best Available Control Measures (BACM) and Most Stringent Measures (MSM) proposed in the Salt River PM-10 State Implementation Plan (SIP) revision. The rule applies to any existing, new or

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reconstructed kiln that is used in the commercial and industrial brick and structural clay products manufacturing business. There are exemptions for kilns that are used exclusively for research and development that are not used to manufacture products for commercial sale. The rule contains a 20% opacity standard as well as different numerical particulate matter limitation standards for kilns based upon the throughput of the kiln. There are recordkeeping requirements in the rule that require daily records of the amount of kiln feed fired and the hours of operation. Monthly records of material delivered to the site for processing shall also be kept by the owner or operator as well as the amount of product reported in tons.

PUBLIC HEARING PROPOSED RIO VERDE FOOTHILLS FIRE DISTRICT

Chairman Wilson called for a public hearing regarding the impact statement for the proposed Rio Verde Foothills Fire District, to be located in the community of Rio Verde, all as specifically described in the legal description submitted and on file in the Clerk of the Board's office. At the hearing, the Board will hear those who appear for and against the proposed district and shall determine whether the creation of the district will promote public health, comfort, convenience, necessity or welfare. (ADM4435)

Chairman Wilson asked if anyone wished to address the Board on this matter. The Clerk received several speaker slips. These speakers voiced their opinion, in favor of the proposed Fire District, via the speaker slips: Sam West, Sasha Weller, Margaret Daleo, Ferrell Anderson, Nena Henry, and Susanne Boydston. Two speakers stepped forward to speak in favor and two speakers came forward to speak in opposition.

Carolyn Oberholtzer, citizen, stepped forward to speak in favor of the proposed Fire District. Ms. Oberholtzer thanked the Board and Ms. McCarroll for brining this item forward. Ms. Oberholtzer indicated that the group of people she represents would like the county's support and asked that the Board move this proposal forward to start circulating petitions. She reiterated that the creation of the district would serve to promote public health, security, welfare, and necessity to the community.

Gene Dietz, citizen, spoke against the fire district. Mr. Dietz opposed for the following reasons; lack of water, no fire hydrants, and response time for a rural area with dirt roads would be slowed. He stated that the area is open range and the cattle eat down the fire fuel and that a fire district would not be beneficial to this area.

H.A. Kassai, citizen, spoke in favor of the formation of a fire district. Mr. Kassai said that he owns property in this area and feels this would be a beneficial way to protect the environment in the area.

Sam Morris, citizen spoke in opposition. Mr. Morris indicated that the area is currently covered under the Rural Metro and a fire district is not necessary.

Lori Ann Busse, President of the Rio Verde Foothills Alliance, not in favor or opposed, stepped forward to clarify information presented. Ms. Busse said Rural Metro is in agreement that it will be the first responder for the Rio Verde Foothills area. She reported that the agreement has no expiration date and Rural Metro will continue to be the provider as long as there are subscribers in the area.

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize the persons proposing the district to circulate and submit petitions containing signatures of more than one-half of the qualified electors within the boundaries of the proposed district, and more than one-half of the property owners in the area of the proposed district, and by persons owning collectively

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more than one-half of the assessed valuation of the property in the area of the proposed district, in the manner provided by law (A.R.S. §§48-261, 48-265, 48-266).

EXPENDITURE AUTHORITY FOR LUKE AIR FORCE BASE

In accordance with A.R.S. §11-254.04 and A.R.S. §42-17106(b), motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the expenditure of \$15,000 from Appropriated Fund Balance (480) General Fund (100) Consultants (4824) in order to support research and lobby efforts aimed at preserving Luke Air Force Base. This action will require a reduction in the consultants-unallocated budget of \$15,000, for a countywide net impact of zero. (C0606001800) (ADM3423)

GRANTS FROM ARIZONA CRIMINAL JUSTICE COMMISSION

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following grants:

- a. **Drug Control and System Improvement Program.** Receipt of grant funds for the FY 2005-06 Drug Control and System Improvement Program in the amount of \$1,615,000; comprised of \$749,878 in federal funds and \$615,163 in state funds. The Maricopa County Attorney's Office recognizes the 15.48% hard cash requirement and has the ability to provide the match of \$249,959 included in the FY 2005-06 adopted budget. These funds are to enhance efforts to prosecute drug, gang, and violent crime offenders. This grant agreement, ACJC No. PC-020-06, will commence on July 1, 2005, and will terminate on June 30, 2006. The grant funds may not be expended for any indirect costs which may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 16.0%. The non-recoverable indirect cost of administering this grant is \$258,400. Approve revenue and expenditure appropriation increase adjustments to the County Attorney's Office (190) Grants Fund (219) associated with the grant in an amount of \$25,156 for FY 2005-06. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1906005300)
- b. **Aggravated Domestic Violence Prosecution Program.** Receipt of grant funds for the FY 2005-06 Aggravated Domestic Violence Prosecution Program in the amount of \$37,470.00. These grant funds are to provide victim assistance services to victims of domestic violence cases being prosecuted. This grant agreement, ACJC Grant Number ADV-06-215, will commence on July 1, 2005, and terminate on June 30, 2006. The grant funds may not be expended for any indirect costs that may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 16.0%. The non-recoverable indirect cost of administering this grant is \$5,995.20. Approve revenue and expenditure appropriation increase adjustments to the County Attorney's Office (190) Grants Fund (219) associated with the aforementioned grant in an amount of \$283.00 for FY 2005-06. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the

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budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1906006300)

- c. **Grant from ACJC for Obscenity Prosecution Program.** Receipt of grant funds for the FY 2005-06 Obscenity Prosecution Program in the amount of \$195,966.00. These funds are to enhance efforts to prosecute obscenity offenders. This grant agreement, ACJC No. OBS-06-168, will commence on July 1, 2005, and will terminate on June 30, 2006. The grant funds may not be expended for any indirect costs that may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 16.0%. The non-recoverable indirect cost of administering this grant is \$31,354.56. Approve revenue and expenditure appropriation increase adjustments to the County Attorney's Office (190) Grants Fund (219) associated with the grant in an amount of \$10,702.00 for FY 2005-06. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1906007300)
- d. **Crime Victim Assistance Program.** Receipt of grant funds for FY 2005-06 Crime Victim Assistance Program in the amount of \$106,366.00. These funds are to provide services to victims of crime. This grant agreement, ACJC Grant Number VA-06-024, commences on July 1, 2005, and terminates on June 30, 2006. This grant also requires a match of \$106,366.00. The grant funds may not be expended for any indirect costs which may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 16.0%. The non-recoverable indirect cost of administering this grant is \$17,018.56. Approve revenue and expenditure appropriation increase adjustments to the County Attorney's Office (190) Grants Fund (219) associated with the grant in an amount of \$2,686.00 for FY 2005-06. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1906008300)

GRANT FROM STATE OF ARIZONA OFFICE OF THE ATTORNEY GENERAL FOR VICTIM SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to:

- Approve receipt of grant funds from the State of Arizona Office of the Attorney General for Award Agreement A.G. #2006-008, in the amount of \$491,200. These grant funds are to be used to support the direct costs of implementing victims' rights laws pursuant to those provisions of A.R.S. Title 13, Chapter 40 and Title 8, Chapter 3, Article 7 impacting prosecutorial agencies as an entity type. This agreement will commence on July 1, 2005, and terminate on June 30, 2006. The grant funds may not be expended for any indirect costs which may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 16.0%. The non-recoverable indirect cost of administering this grant is \$78,592.

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- Approve revenue and expenditure appropriation increase adjustments to the County Attorney's Office (190) Grants Fund (219) associated with the grant in an amount of \$38,750 for FY 2005-06. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1906009300)

FUNDS TRANSFER

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a budget transfer not-to-exceed \$27,833 for FY 2005-06 (\$33,503 annualized) from Clerk of the Superior Court General Fund (100) operating expenditures to Trial Courts General Fund (100) operating expenditures. This represents special work assignment salary increases no longer necessary due to the reduction in courtroom clerks assigned the duties and responsibilities for the electronic recording of the official court record in lieu of court reporters. (C1606001800) (ADM 1000-003)

MOU AND ADDENDUM WITH STATE OF ARIZONA AND SECRETARY OF STATE FOR HAVA

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a Memorandum of Understanding (MOU) and Addendum No. 1 between the Board of Supervisors, the State of Arizona, and the Secretary of State. This MOU outlines how the Board of Supervisors and the County Recorder will be responsible for the county's compliance with the agreement and reporting requirements in return for Help America Vote Act (HAVA) funds for its purchase of qualifying voting systems, equipment, external labor, or other HAVA qualified items. This agreement shall be in effect through the federal fiscal year of 2007. (C2106001M00)

AMENDMENT WITH CITY OF LITCHFIELD PARK FOR PUBLIC SAFETY SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to:

- Approve Amendment No. 1 to the intergovernmental agreement (IGA) between the City of Litchfield Park and the Maricopa County Sheriff's Office to increase public safety services from .75 beats to .91 beats, effective September 1, 2005, resulting in the addition of a deputy position and patrol coverage 8 hours a day, seven days a week. The total amount payable from the Town of Litchfield Park for FY 2005-06 law enforcement services will be \$395,833 (\$409,523 annualized).
- Approve, pursuant to A.R.S. §42-17106, an increase to the Sheriff's Office General Fund (100) revenue and expenditure appropriation of \$68,450 (\$82,140 annualized). IGA revenues are not local revenues for purposes of the constitutional expenditure limitation, therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C5004002002)

**AMENDMENT WITH TOWN OF QUEEN CREEK FOR LAW ENFORCEMENT SERVICES,
PERMANENT ADDITION TO FLEET AND EQUIPMENT**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to:

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- Approve Amendment No. 1 to the intergovernmental agreement (IGA) for law enforcement services between the Town of Queen Creek and Maricopa County Sheriff's Office to increase service from 2.0 beats to 2.4 beats effective September 1, 2005, resulting in the addition of two deputy positions, a vehicle, and various patrol-related equipment. The FY 2005-06 cost for law enforcement services to the Town of Queen Creek will be \$1,250,210, plus a one-time lump sum of \$74,105.
- Pursuant to A.R.S. §42-17106, approve an increase to the Sheriff's Office General Fund (100) FY 2005-06 revenue appropriation of \$260,218 (\$223,336 annualized) and expenditure appropriation of \$241,715 (\$182,129 annualized), for the additional revenue and direct expenses generated by this action. IGA revenues are not local revenues for purposes of the constitutional expenditure limitation, therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.
- Approve a permanent addition to Sheriff's Office fleet for one patrol SUV, which will be funded in a lump sum by the town along with several other equipment items. (C5005001201) (ADM3104)

INCREASE GRANTS FROM ARIZONA STATE PARKS BOARD, LAW ENFORCEMENT & BOATING SAFETY

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an increase of \$6,939.15 in grant funds from Arizona State Parks Board, Law Enforcement and Boating Safety Funds. This increase will bring the total grant award from \$190,000.00 to \$196,939.15. The Sheriff's Office indirect cost rate for FY 2005-06 is 17.2%. These grant funds are the result of A.R.S. §5-383 and indirect cost recovery is not allowed. The unrecoverable indirect costs, associated with this increase are estimated to be \$1,193.53. (C5005523301)

TEMPORARY ADDITION TO FLEET TO SHERIFF'S OFFICE MOTORS UNIT

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve two one-time additions to fleet to be assigned to the Sheriff's Office Motors Unit of two redlined 1999 KAWASAKI KZ1000 Police Motorcycles (VEH #1901, VIN: KZT00JE059716 and VEH # 1902, VIN: KZT00JE059719), valued at approximately \$550 each. These vehicles will be used as training motorcycles. The estimated annual cost to operate these motorcycles is approximately \$500 each per year, to be paid from Org (5051), Special Enforcement Division. These are temporary additions to the fleet and will be retired at the end of their useful life with no funding from the general fund for replacement and the county's fleet will automatically be reduced. (C5006001M00) (ADM3104)

VEHICLE USE AGREEMENT WITH NICB AND EXEMPTION FROM MARKINGS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to:

- Approve the vehicle use agreement between the National Insurance Crime Bureau (NICB) and the Maricopa County Sheriff's Office for the use of a 2003 Ford F-250 pickup truck for a designated purpose in association with the Arizona Automobile Theft Authority Law Enforcement Program, (Agenda No. C5005500300), approved by the Board of Supervisors on June 2, 2004. This vehicle will be leased for \$1.00 for the term of this agreement, which is 365 days after the vehicle is delivered to the Sheriff's Office, or the contract is extended for an additional year.

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- Approve exemptions from markings in accordance with A.R.S. §38-538.03 and the use of undercover plates. Identification of this vehicle is on file in the Clerk of the Board's office. (C5006002400) (ADM3104)

DONATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the acceptance of 16 donations to the Sheriff's Office Animal Safe Hospice Unit totaling \$1,595, of which \$650 came from Ofelia M. Cardenas. The remaining \$945 came from various individuals and organizations. (C5006003M00) (ADM3900)

TEMPORARY ADDITIONS TO THE FLEET AND EXEMPTION FROM MARKINGS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve one-time additions to the fleet for three undercover detective vehicles to be purchased using RICO funds, total costs approximately \$54,000. Approve exemptions from markings, in accordance with A.R.S. §38-538.03. Identification of these vehicles is on file in the Clerk of the Board's office. The estimated annual operating costs will be approximately \$3,500 each, or \$10,500. RICO funds will support their operation, maintenance and fuel costs. These are temporary additions to fleet and will be retired at the end of their useful life with no funding from the general fund for replacement and the county's fleet will automatically be reduced. (C5006004M00) (ADM3101V)

PURCHASE FROM VALUE ADDED COMMUNICATIONS FOR CALLING CARDS AND PROGRAMMING

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a sole source purchase of inmate international calling cards and required programming from Value Added Communications. Value Added Communications is a sub-vendor of the Qwest Inmate Telephone System contract. The software is proprietary to Value Added Communications; no other vendor has the authority to make changes/enhancements to the software allowing telephone calls made by inmates using the calling card to be tied to the inmate booking number and jail housing unit. The cost of programming upgrades are included with this request. The cost of this request is not expected to exceed \$65,000 annually, or \$200,000 over a three-year period, and has been budgeted into the current Sheriff's Office fiscal year. (C5006005M00)

SALE OF VEHICLE TO DESERT FOOTHILLS SHERIFF'S POSSE

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, to approve the sale of one 2000 Ford Crown Victoria #11044, to the Desert Foothills Sheriff's Posse in consideration of \$1.00. The Desert Foothills Posse is a not-for-profit Sheriff's Office volunteer organization. On a roll call vote, the motion carried unanimously (5-0) with Supervisor Wilcox, Kunasek, Stapley, Brock, and Wilson voting "aye". (C5006006M00) (ADM3104)

TEMPORARY ADDITIONS TO FLEET AND EXEMPTIONS FROM MARKINGS FOR CIBD

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to:

- Approve one-time additions to the fleet for two vehicles, costing \$13,580 and \$14,984 for a total of \$28,564, for use by Criminal Intelligence Bureau Detectives (CIBD) in counter-terrorism

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surveillance activities. RICO funds will be used to purchase, maintain, and operate these vehicles. The annual operation costs are estimated to be \$3,500 each for a total of \$7,000.

- Approve exemptions from markings for each of these vehicles in accordance with A.R.S. §38-538.03. Confidential vehicle information is on file in the Clerk of the Board's office. These are temporary additions to fleet and will be retired at the end of their useful life with no funding from the general fund for replacement and the county's fleet will automatically be reduced. (C5006007M00) (ADM 3101V)

EXEMPTION FROM MARKINGS AND ISSUANCE OF NON-GOVERNMENTAL PLATES

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve exemptions from markings, including the issuance of undercover non-governmental license plates, per A.R.S. §38-538-03, for 29 new motor pool vehicles designated for Sheriff's Office detective vehicle replacements. This request has been coordinated with Equipment Services. (C5006008M00) (ADM3101V)

AGREEMENT FOR FEDERAL EQUITABLE SHARING FUNDS

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a Federal Equitable Sharing Agreement and Federal Certification Report, accounting for federal equitable sharing funds (more commonly known as RICO funds) received from the Department of the Treasury or the Department of Justice, for the period ending September 30, 2008. Treasury funds are tracked separately from Justice funds. (C5006009200) (ADM3900)

TRANSFER EXPENDITURE AUTHORITY FOR STAFFING DETENTION FACILITIES

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to transfer expenditure authority from FY 2005-06 contingency funds in the amount of \$6,670,698 (annualized impact is \$7,874,972) from General Government (470) Detention Fund (Fund 255) Reserved Contingency (4711) for "New Facility Operating Costs" to the Sheriff's Office (500) Detention Fund (255). Approval of this action will allow the Sheriff's Office to begin staffing detention facilities according to the Liebert Study's future scenarios with positions. Pursuant to A.R.S. §42-17106, transfer expenditure authority from FY 2005-06 General Government (470) Grants Fund (249) "Potential Fee Increases" in the amount of \$131,622 (annualized impact is \$136,949), to the Sheriff's Office Inmate Welfare Fund (252) for five additional inmate canteen worker positions identified by the Liebert Study to meet increased canteen services due to inmate population increases. (C5006010800) (ADM3900-003)

IGA WITH EL MIRAGE POLICE DEPARTMENT FOR OVERTIME REIMBURSEMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an intergovernmental agreement (IGA) between the Maricopa County Sheriff's Office and the El Mirage Police Department for overtime reimbursement not to exceed \$50,000. This agreement is associated with funding from the Arizona Methamphetamine Program (C50055093). The term of this IGA is July 1, 2005 through December 31, 2006. (C5006500200)

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GRANT FROM ARIZONA CRIMINAL JUSTICE COMMISSION

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the grant agreement and acceptance of \$25,000 in funding from the Arizona Criminal Justice Commission, Project Safe Neighborhoods. The term of this agreement is from July 1, 2005 through June 30, 2006. Because future funding is uncertain, approve an exception to the Technology Financing Program for the outright purchase of one Tablet PC. This computer will be compatible with the county's current technology platform and will be tracked separately to ensure that it is not included in the three-year desk top refresh program. The Sheriff's Office indirect cost rate for FY 2005-06 is 17.2%. Unrecoverable indirect costs associated with this grant are estimated to be \$4,300. (C5006502300)

AGREEMENT WITH ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE FOR OVERTIME REIMBURSEMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the agreement and acceptance of up to \$14,000 in overtime reimbursement funding from the Drug Enforcement Administration, Organized Crime Drug Enforcement Task Force (OCDETF). The term of this agreement is from June 30, 2005 through August 30, 2005. The Sheriff's Office indirect cost rate for FY 2005-06 is 17.2%. Unrecoverable indirect costs associated with this agreement are estimated to be \$2,408. (C5006503300)

AGREEMENTS WITH EL MIRAGE & GOODYEAR POLICE DEPARTMENTS FOR ENFORCEMENT TEAM

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the agreements between the Maricopa County Sheriff's Office and the El Mirage (C50065052) and Goodyear Police Departments (C50065062), whereby one police officer from each agency will be assigned to the Maricopa County Neighborhood Narcotics Enforcement Team. The total reimbursement amounts for each of the agreements will not exceed \$75,000. The terms begin July 1, 2005 through June 30, 2006, and these agreements are associated with the Maricopa County Neighborhood Narcotics Enforcement Team Program (C50055553). (C50065042ZZ)

AMENDMENT TO LEASE WITH CHRISTINE V. ACRIDGE FOR COURT SPACE

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve and execute Amendment No. 4 to Lease No. L-7050 with Christine V. Acridge, lessor (formerly Double M. Development), for 5,229 square feet of court space located at 4109 N. 12th Street, Phoenix, AZ. Approve Christine V. Acridge as lessor/successor in interest to Double M. Development, Ltd., previous lessor. This amendment will extend the term of the existing lease one year from April 1, 2006 to March 31, 2007, allowing the completion of the new downtown court complex. The annual rental rate is at \$23.18 per square foot or an annual rate of \$121,208.22 plus rental tax. The lease contains a 90-day termination provision and a 6-month holdover provision. (C2496002404)

AMENDMENT TO LEASE WITH PHOENIX SANTA FE PARTNERS FOR COURT SPACE

Motion was made Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve and execute Amendment No. 5 to Lease No. L-7134 with Phoenix Santa Fe Partners, an Arizona Limited Partnership, lessor, for 6,624 square feet of court space located at 4622 W. Indian School Road, Phoenix. This amendment will extend the term of the existing lease from September 1, 2005 to August 31, 2010, with an option to renew for one additional one-year term. The annual rental rate is at \$15.78 per

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square foot or an annual rate of \$104,515.44 plus rental tax. The lease contains a 90-day termination provision. (C2497002405)

NAME DESIGNATION FOR THE JUSTICE COURTS – CONTINUED

Item: Approve naming the Justice Courts according to a recognizable community or landmark within the precinct and according to the regional courthouse in which these courts shall be located. The Justice Courts shall be renamed according to a primary recognizable community or landmark within the precinct boundaries. In an effort to give the public a clear indication of where county region specific courts are located, the name will include a suffix indicating the regional courthouse name. The names of the current Justice Courts shall be changed in accordance with the Board's approval and may be deferred until the court is moved to the new regional facility. The following names are submitted for the Maricopa County Northeast and Northwest Regional Centers:

- o From Scottsdale to McDowell Mountain Justice Court at the Northeast Regional Court Center,
- o From Northwest to Moon Valley Justice Court at the Northeast Regional Court Center,
- o From Northeast to Dreamy Draw Justice Court at the Northeast Regional Court Center,
- o From Peoria to Lake Pleasant Justice Court at the Northwest Regional Court Center,
- o From Wickenburg to Hassayampa Justice Court at the Northwest Regional Court Center (The Hassayampa Justice Court will continue to hear cases in their current Wickenburg location two days per week),
- o From Glendale to Manistee Justice Court at the Northwest Regional Court Center, and
- o From North Valley to North Valley Justice Court at the Northwest Regional Court Center. (C3805031700) (ADM1203)

The Clerk announced that this item needed to be continued to the August 24, 2005 meeting. Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to continue the above item to the August 24, 2005 meeting.

REDUCE JAIL PER DIEM RATE FOR FORT MCDOWELL YAVAPAI NATION AND AK-CHIN COMMUNITY

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to reduce the jail per diem rate paid by the Fort McDowell Yavapai Nation and the Ak-Chin Community from the current federal rate of \$70.00 per day to the local municipality non-special medical rate of \$129.84 for first day booking and \$53.04 per day housing thereafter. This rate is effective July 1, 2005. (C2006003000) (ADM3911)

In response to a question from Supervisor Brock, Tom Manos, replied that the rate reflected on agenda item 36 is a special case for two Indian tribes that are under a flat rate. This IGA would put the tribes on the same per diem rate level as other cities.

RATIFY AMENDED BY-LAWS FOR COMMISSION OF JUSTICE SYSTEM INTERVENTION FOR SMI

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to ratify the amended by-laws for the Commission of Justice System Intervention for the Seriously Mentally Ill, adding an additional member representing local law enforcement to the commission. (C2006004M00) (ADM1008)

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IGA WITH CITY OF CHANDLER FOR FIRE AND EMERGENCY SERVICES – CONTINUED

Item: Approve an intergovernmental agreement (IGA) between Maricopa County and the City of Chandler for the city to provide fire and emergency services to Maricopa County island residents living within the city's municipal planning area. Under this agreement, the city will provide these services to Maricopa County island residents for a fee directly payable by the residents who opt for these services. The county will assist in providing residential information and perform the initial billing for a fee, restricted to covering direct costs only. The budgetary impact to the county is zero. This item was discussed in Executive Session on August 8, 2005. (C2006005200)

The Clerk announced that the item listed above needed to be continued until further posting.

IGA WITH ADHS FOR MENTAL HEALTH SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an intergovernmental agreement (IGA) between Maricopa County and the Arizona Department of Health Services (ADHS), authorizing ADHS or its contracted Regional Behavioral Health Authority (RBHA) to provide mental health services to remanded juveniles (of a screening agency, an evaluation agency and mental health treatment agency) when evaluation is ordered by the Maricopa County Superior Court pursuant to A.R.S. Title 36, Chapter 5, Article 4 and treatment is ordered by the Superior Court pursuant to A.R.S. Title 36, Chapter 5, Article 5. The IGA authorizes ADHS or its RBHA to expend up to \$200,000 from the "Non-SMI" payment funds that the county already provides to ADHS pursuant to the IGA executed in connection with Arnold vs. Sam for behavioral health services as referenced in agenda item (C3905040200). (C3905040201)

REJECT CLAIMS DEMANDS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to reject claim demands (June 2005) for emergency medical services from private medical providers to patients who do not meet the requirements of Arizona Revised Statutes or Maricopa County Policies and are, therefore, not the responsibility of Maricopa County pursuant to the A.R.S. §11-629 (not a proper charge against the county) and A.R.S. §11-622 (claims not having been filed within six months after the last item of the account accrues). (A.R.S. §11-629 \$1,158,558.12 and A.R.S. §11-622 \$0.00) (C3906001700) (ADM1804)

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June 2005

VENDOR	AMB., DOCTORS, HOSP. ARS 11-629	OVER SIX MONTHS ARS 11-622
ADVANCED CARDIAC SPECIALISTS	1,560.00	0.00
AFFILIATED CARDIOLOGISTS	2,535.00	0.00
AMERICAN PHYSICIANS INC	332.51	0.00
AMERICAN PHYSICIANS INC.	877.23	0.00
ARIZONA CARDIOVASCULAR PERFUS	8,948.00	0.00
ARIZONA GRAND MEDICAL	426.00	0.00
ARIZONA ONCOLOGY SERVICES	236.00	0.00

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ASSOCIATED REINA CONSULTANTS	7,960.00	0.00
AZ KIDNEY DISEASE HYPERTENSION	100.00	0.00
BANNER BAYWOOD HEART	53,082.30	0.00
BANNER DESERT MEDICAL CTR	3,273.60	0.00
BANNER ESTRELLA MEDICAL	6,397.22	0.00
BANNER GOOD SAM TRAUMA SERVICE	541.00	0.00
BANNER GOOD SAMARITAN REG MED	205,589.77	0.00
BANNER THUNDERBIRD MED CENTER	4,372.66	0.00
BILTMORE CARDIOLOGY PLLC	667.00	0.00
BNA NEUROSURGICAL ASSOCIATES	4,900.00	0.00
CASA GRANDE ER PHY	358.00	0.00
CHILD NEUROLOGY	1,509.75	0.00
CITY OF PHOENIX AMBULANCE	581.39	0.00
CLINICAL DIAGNOSTIC RADIOLOGY	1,203.00	0.00
COPPER STATE ORTHOPEDICS	282.00	0.00
DESERT HOSPITALISTS PC	1,060.00	0.00
EACMC ARIZONA	975.00	0.00
EMERGENCY PHYSICIANS PROF ASSO	2,325.00	0.00
EMERGENCY PROFESSIONAL SVCS PC	4,541.00	0.00
HEART \$ VASCULAR CENTER OF A	650.00	0.00
HOSPITALISTS OF ARIZONA	923.00	0.00
KELLEDY, PATRICK MDPC	765.00	0.00
MARICOPA HEALTH SYSTEMS	314,789.30	0.00
MEDICAL DIAGNOSTIC IMAGING GRP	180.00	0.00
MEDPRO	136,192.90	0.00
MT GRAHAM REGIONAL MEDICAL	2,616.60	0.00
NEUROSURGICAL ASSOCIATES	19,690.00	0.00
PATHOLOGY SPECIALISTS AZ	113.33	0.00
PHOENIX BAPTIST HOSPITAL	5,166.24	0.00
PHOENIX MEMORIAL HOSPITAL	16,529.84	0.00
PROFESSIONAL DIAGNOSTIX	23.00	0.00
PROFESSIONAL MEDICAL TRANSPORT	6,146.96	0.00
RADIOLOGY SERVICES	268.62	0.00
SCOTTSDALE EMERGENCY ASSOCIATE	586.00	0.00
SCOTTSDALE HEALTH OSBORN	23,267.41	0.00
SJH TRAUMA BILLING	1,318.24	0.00
SOUTHWEST AMBULANCE	7,600.34	0.00
SOUTHWEST DIAGNOSTIC IMAGING	40.00	0.00
SOUTHWEST NEURO-IMAGING	884.00	0.00
ST JOSEPHS HOSP ARIZONA	299,087.00	0.00
SWEATLOCK, JEFFERY MD	1,360.00	0.00
UROLOGY ASSOCIATES LTD	147.00	0.00
VALLEY ANESTH CONSULTANTS LTD	5,440.00	0.00
VALLEY RADIOLOGISTS LTD	139.91	0.00
Grand Totals:	1,158,558.12	0.00

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Restitution	0.00
Totals Denials:	1,158,558.12

MMCS PROVIDER PANEL APPOINTMENTS/REAPPOINTMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the recommendations of Maricopa Managed Care Systems (MMCS) Health Plan Provider Panel appointments and reappointments as discussed in Executive Session on August 8, 2005. (C9004171M) (ADM2100-005)

INITIAL APPOINTMENTS

Provider	Primary Department/Specialty	Category
Marion Talmon, NP	Family Practice	Provisional Courtesy

MEDICAL STAFF APPOINTMENTS

INITIAL APPOINTMENTS

Provider	Primary Department/Specialty	Category
Tasnim Khan, MD	Nephrology	Provisional Courtesy
Stuart Kozinn, MD	Orthopedics	Provisional Courtesy
Ali Mojaverian-Majid, MD	Internal Medicine	Provisional Courtesy
Monte Swarp, MD	OB/GYN	Provisional Courtesy

REAPPOINTMENTS

Provider	Primary Department/Specialty	Category
Payam Abedi, DDS	Dentist	Active
Edmund Brennan, MD	Cardiology	Active
Stefan Mudryi, DPM	Podiatrist	Active
Gregory Muhammad, MD	General Practitioner	Active
Kenneth Smith, DO	Family Practice	Active

AMENDMENT WITH ADHS FOR ADULT FOSTER CARE HOME LICENSING

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to the delegation agreement with Arizona Department of Health Services for the licensing of adult foster care homes effective July 1, 2005, extending the contract through September 30, 2005, making the term of the agreement July 1, 2000 through September 30, 2005. No funds are exchanged in this agreement. (C6002075201)

CONTRACT WITH PORTRUSH, INC. DBA NURSING SOLUTIONS FOR SKILLED HOME HEALTH CARE SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to retroactively approve a new contract with Portrush, Inc. d.b.a. Nursing Solutions for the provision of skilled home health care services. The not-to-exceed pool amount for all skilled home health care contracts is \$12,448,000 (Agenda No. C60034641). The contract term is July 1, 2005 through June 30, 2007. The contract may be extended for a total term up to five years and may be terminated with 90 days written notice by either party. MMCS may, upon 90 days notice, unilaterally assign this contract to a third party. The county's obligation under this contract shall cease, specific to MHP or MLTCP, upon

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termination of that contract with AHCCCS and upon 10 days notice to the contractor of termination of that plan. (C6005008100)

MMCS BUDGET ADJUSTMENTS

In accordance with A.R.S. §42-17106B, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve:

- o The transfer and expenditure of \$264,365 from Appropriated Fund Balance (480) General Fund (Fund 100) General Contingency (4811) Reserved Contingency Line Item "Health Plan Subsidy" to line item "Health Plans Claims Tail and Administration" in Appropriated Fund Balance (480) General Fund (Fund 100) Other Programs (4812), and
- o A fund transfer in the amount of \$264,365 from Appropriated Fund Balance (480) General Fund (Fund 100) Other Programs (4812) line item "Health Plans Claims Tail and Administration" to Maricopa Managed Care Systems (600) Health Plan Fund (541).

This action will require appropriation adjustments increasing the Maricopa Managed Care Systems (600) Health Plan Fund (541) revenue and expenditure budgets by \$264,365, with offsetting adjustments to Eliminations (Department 980, Fund 900). Appropriation allocation of \$264,365 between the Funds (541) and (551) will be decided at a later date. These actions will have a countywide net impact of zero. (C6006002800) (ADM2100-003)

PERSONNEL AGENDAS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas as amended by the Clerk of the Board. Exhibits A and B will be found at the end of this set of minutes.

TRANSFER EXPENDITURE AUTHORITY FOR VEHICLE-RELATED EXPENSES

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the transfer of expenditure authority in the amount of \$919,900 from FY 2005-06 Appropriated Fund Balance (480) Detention Fund (255) Contingencies (4811) for "General Contingencies" to a new line in Appropriated Fund Balance (480) Detention Fund (255) Other Programs (4812) entitled, "Sheriff: Carryover Vehicles". This funding is for expenses related to vehicles that were approved by the Board of Supervisors in FY 2004-05. A partial order was made, but not received in FY 2004-05. The rest will be ordered, received, and paid for in FY 2005-06. (C4906001800) (ADM1801)

AWARD AND FUNDS TRANSFER FOR GAINSHARING PROGRAM AWARD

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the semi-annual (July 1, 2004 through December 31, 2004) gainsharing award for eligible employees who participated in the "Pre-AHCCCS Claims Loss Reduction Gainsharing Program" for Health Care Mandates. The Board of Supervisors approved this program on December 1, 2004 (Agenda No. C3505013000). In accordance with A.R.S. §42-17106B, create a line in Appropriated Fund Balance (480) Other Programs (4812) titled "Gainsharing Program Awards" and approve the transfer of \$23,298 in expenditure appropriation from Appropriated Fund Balance (480) General Fund (Fund 100) General Contingency (4811) to Appropriated Fund Balance (480) General Fund (Fund 100) Other Programs (4812) "Gainsharing Program Awards" line to fund these awards. (C4906002800) (ADM3345-002)

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ADDITION OF NEW PAY DIFFERENTIAL FOR MMCS EMPLOYEES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to:

- Approve the addition of a new "30% Retention Differential" pay differential for employees of Maricopa Managed Care System (Health Plans) effective July 1, 2005.
- Approve an exemption to the Maricopa County Compensation Plan, Section VII, Paragraph E, which allows these differentials to be paid on both productive and non-productive time. This differential can only be used for Maricopa Managed Care System employees. (C4906003600) (ADM 3308)

AMENDMENT WITH BOYS & GIRLS CLUBS FOR TOBACCO USE PREVENTION EDUCATION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 3 to Contract No. C8603045102 with the Boys & Girls Clubs of Metropolitan Phoenix to provide tobacco use prevention and education services. The amendment retroactively extends the contract from July 1, 2005 through June 30, 2006, updates work statement and compensation language, and increases the contract dollar amount by \$72,100. Total funding for the contract will increase from \$200,625 to \$272,725. The Boys & Girls Club was a successful respondent to a Request For Proposals (MC1-329) issued by the Department of Public Health on June 20, 2002. The Board of Supervisors approved the original contract on September 4, 2002. Amendment No. 1 was approved by the Board on August 13, 2003. Amendment No. 2 was approved by the Board on July 7, 2004. (C8603045103)

CONTRACT WITH BANNER HEALTH SYSTEM FOR DISEASE REPORTING LINE SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to retroactively approve a sole-source contract with Banner Health System d.b.a. Banner Good Samaritan Medical Center, to provide disease reporting line services. The contract term is from July 1, 2005 to June 30, 2006, for a dollar amount not-to-exceed \$35,000. (C8604079101)

APPROPRIATION ADJUSTMENTS FOR PUBLIC HEALTH DIGITAL X-RAY EQUIPMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the expenditure appropriation adjustments, reducing Appropriated Fund Balance General Fund Reserved Contingency - Technology Reserve (100-480-4811) in the amount of not-to-exceed \$510,000, and increasing Appropriated Fund Balance General Fund Technology Projects (100-480-4814) by the same amount on a new line item entitled "Public Health Digital X-ray Equipment". These funds will be used to purchase a digital x-ray system for the new Public Health Clinic. The countywide net impact of these adjustments is zero. (C8605905801) (ADM 2150-003)

IGA WITH MARICOPA COUNTY SPECIAL HEALTH CARE DISTRICT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to retroactively approve the following Intergovernmental Agreements (IGAs) with the Maricopa County Special Health Care District:

- a. IGA between Maricopa County Department of Public Health (C8605907200) and Maricopa County Special Health Care District d.b.a. Maricopa Integrated Health System (C9005082200), to provide rapid HIV antibody kits for use in the labor and delivery unit of

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Maricopa Medical Center in partial fulfillment of requirements under the Ryan White Title IV Grant. Total funding for the period May 1, 2005 through July 31, 2005, is not-to-exceed \$10,687. Total funding for the period August 1, 2005 through July 31, 2006, is not-to-exceed \$42,748. Total funding for the period between May 1, 2005 and July 31, 2006, is \$53,435. The goal of this agreement is to encourage hospitals in Maricopa County to provide routine rapid HIV counseling and antibody testing services to women with an unknown HIV status when they enter labor and delivery units. (C8605907200)

- b. IGA between Maricopa County Department of Public Health (MCDPH) (C8605921200) and Maricopa County Special Health Care District d.b.a. Maricopa Integrated Health System (C9005084200) for MCDPH to provide HIV counseling and rapid antibody testing services in partial fulfillment of requirements under the Ryan White Title III Grant. Total funding for the period between January 1, 2005 and December 31, 2005, is \$34,000. (C8605921200)

CONFIRM APPOINTMENTS FOR RYAN WHITE TITLE I PLANNING COUNCIL

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to:

- Confirm the following individuals as alternates for members of the Phoenix EMA Ryan White Title I Planning Council:

Alternate	Alternate For	Representation
Terri Leija	Mary Rose Wilcox	Board of Supervisors
John Ahl	Sandi Wilson	Maricopa County Dept of Public Health
Randy Gearhart	Keith Thompson	Service Provider Member
Cheri Thomlinson	Helen Lansche	Service Provider Member
Harvey Miller	James Bryant	Institutional Member
Cindy Vargo	Michelle Barker	Service Provider Member
Alvaro Morales	Bertha Sintillo	General Public
Philip Seeger	Debby Elliott	Service Provider Member
Kimberley Bickes	Deborah Frusciano	Service Provider Member
Maria Galliher	Claire Sinay	Service Provider Member
Laura Kroger	Tara Radke	CARE Act Title II Representative
Rosie Casillas Nunez	Maclovio Zepeda	Service Provider Member

- Re-appoint the following members:
 - o Ms. Deborah Frusciano, representation as Service Provider, to the Phoenix EMA Ryan White Title I Planning Council, from Board of Supervisors' approval through August 28, 2007.
 - o Ms. Sharyn Grayson, representing the general public, whose term is effective from Board of Supervisor's approval through July 30, 2007 (C8606002900) (ADM2153-001)

AFFILIATION AGREEMENT WITH STATE OF ARIZONA FOR LABORATORY TESTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to retroactively approve an inter-institution affiliation agreement between the Maricopa County Department of Public Health (MCDPH) and the State of Arizona d.b.a. Maricopa County Juvenile Probation Department in order for MCDPH to provide laboratory tests on a unit fee basis. The agreement

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shall be retroactive from July 1, 2005 through June 30, 2008, and be subject to review and renewal unless terminated by either party. The amount of this inter-institution affiliation agreement is dependent upon the number of tests performed, but is anticipated not-to-exceed \$50,000 annually. This amount is taking into consideration the possibility the grant currently subsidizing one of the tests is ending December 2005, and may not be renewed. (C8606003200)

AFFILIATION AGREEMENT WITH MADISON SCHOOL DISTRICT FOR CLINICAL PEDIATRIC DIETETIC EXPERIENCE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and sign a non-financial affiliation agreement between Maricopa County, through its Department of Public Health, and Madison School District, to provide clinical pediatric dietetic experience for graduate students in the dietetic internship. The agreement is non-financial and the term is from the date of Board of Supervisors' approval through June 30, 2008. (C8606005000)

AGREEMENT WITH SADDLE MOUNTAIN UNIFIED HIGH SCHOOL DISTRICT FOR PUBLIC HEALTH EMERGENCY

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a non-financial agreement between Maricopa County, through the Department of Public Health, and Saddle Mountain Unified High School District, for the use of their school facilities in the event of a public health emergency. The term of the agreement shall begin upon Board of Supervisors' approval and shall remain intact until terminated by either party with 30 days written notice. This agreement is non-financial and will not affect the county general fund. (C8606006200)

AGREEMENT WITH MEDICAL PROFESSIONAL ASSOCIATES OF ARIZONA FOR CLINICAL SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a non-financial affiliation agreement between Maricopa County, by and through the Department of Public Health, Division of Bio-Defense Preparedness and Response (BDPR), and Medical Professional Associates of Arizona, Division of Emergency Medicine. This agreement will allow Dr. Robert French, the Deputy Director of BDPR, to provide clinical services at the Emergency Department of Maricopa County Medical Center on a part-time basis, two to three eight-hour shifts per month. The initial term of the agreement shall be for one year beginning August 10, 2005, and be automatically renewed for one-year periods unless terminated by either party with 60 days prior written notice. This agreement is non-financial and does not affect the county general fund. (C8606007000)

CONTRACT WITH MOUNTAIN PARK HEALTH CENTER FOR WELL WOMEN HEALTH CHECK SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a contract with Mountain Park Health Center to provide well women health check services to uninsured or underinsured women. The contract term is retroactive from August 1, 2005, and continues through July 31, 2008, for not-to-exceed amount of \$45,000 per year. Mountain Park Health Center was a successful respondent to a Review of Qualifications (MC1-348) issued by the Maricopa County Department of Public Health on June 10, 2005 (PH ROQ 05-008). (C8606010100)

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IGA FOR TOBACCO USE PREVENTION AND EDUCATION SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following intergovernmental agreements (IGAs) to provide school-based tobacco use prevention and education services. The term of the agreements are retroactive from July 1, 2005 through May 1, 2006, for a contract dollar amount not-to-exceed \$1,500 each.

- a. Sentinel Elementary School District (C8606404200)
- b. Gila Bend Unified School District (C8606406200)

AMENDMENT WITH REMUDA RANCH FOR CLINICAL PEDIATRIC DIETETIC EXPERIENCE

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to retroactively approve Amendment No. 2 to a non-financial affiliation agreement between Maricopa County, by and through the Department of Public Health, and Remuda Ranch, to provide clinical pediatric dietetic experience for graduate students in the dietetic internship program. This amendment extends the term of the agreement from July 1, 2004 through June 30, 2009. All other items in the agreement remain unchanged. (C8698023002)

CONTRACTS FOR NON-PROFIT ECONOMIC DEVELOPMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve five FY 2005-06 nonprofit economic development contracts for a total of \$1,329,776. The contracts, contract amounts, and item numbers are (C17060291ZZ):

- o Greater Phoenix Economic Council \$674,776 (C1706030100);
- o Greater Phoenix Chamber of Commerce \$165,000 (C1706031100);
- o Greater Phoenix Convention & Visitors Bureau \$250,000 (Destination Marketing Program) and \$200,000 (Super Bowl XLII) (C1706032100);
- o Maricopa County Sports Commission \$25,000 (C1706033100); and
- o Western Maricopa Enterprise Zone \$15,000 (C1706034100).

PERMIT RENEWAL WITH CITY OF MESA PARKS FOR HEAD START PROGRAM SPACE

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve and execute renewal of "Permit for Use of Parks and Recreation Facilities" with the city of Mesa Parks, Recreation and Cultural Division, for the purpose of providing space, at no cost to Maricopa County, for a Head Start Program location. The term for the use permit runs from August 15, 2005 through May 29, 2006, from 8:00 a.m. to 12:30 p.m., Monday through Thursday. This permit is specifically for a classroom and appurtenant facilities at the Washington Activity Center, located at 44 E. 5th Street, Mesa, Arizona. (C2206103200)

SETTLEMENT AGREEMENT WITH HUMAN SERVICES DEPARTMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the settlement agreement between the Human Resources Administrator for the Human Services Department and Maricopa County as discussed in Executive Session on August 8, 2005. (C2206138M00) (ADM 409V)

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BID AND PURCHASE FROM ASLD AN EASEMENT FOR PUBLIC TRAIL

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize the Maricopa County Parks and Recreation Department representative to be present to bid on and purchase an Arizona State Land Department (ASLD) perpetual right-of-way easement for the purpose of a non-vehicular public trail in the amount of \$20,315 from the General Fund County Improvement Fund, Maricopa Regional Trail Project (Fund 445, Dept 470, Org 4713-MRTS). This project is budgeted in the FY 2005-06 budget. (C3005050M00) (ADM3205)

AMENDMENT TO NEW RIVER COMMUNITY PARK MANAGEMENT AGREEMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the Amendment No. 2 to the New River Community Park Management Agreement with the Kiwanis Club of New River, to permit the assignment and/or subletting of the use of the New River Community Park according to the guidelines provided. There is no financial impact to this amendment. (C3003017B) (C3005052000) (ADM3245)

APPLY TO PATENT BLM LAND

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize the submission of an application to the United States Bureau of Land Management (BLM) to patent 28,930 acres of BLM land in the Vulture Mountain area south of Wickenburg, under the Recreation and Public Purposes Act guidelines. Approve the expenditure of the \$100 application fee as budgeted in the FY 2005-06 Parks General Fund budget (100-300). (C3006001M00) (ADM3250)

DONATIONS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the acceptance of the following donations to Animal Care & Control. Donation revenue funds are deposited into Fund (573) as they are received.

- a. Bonnie's Bakery, 30845 N. Cave Creek Road #115, Cave Creek, AZ 85331 in the amount of \$319. (C7905109700) (ADM2300)
- b. Jane Niven, 8550 E. Remuda Drive, Scottsdale, AZ 85255 in the amount of \$500. (C7905110700) (ADM2300)

RENEW KENNEL PERMITS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following kennel permit renewals for the term of August 10, 2005 through August 9, 2006. The cost of each kennel permit is \$90.00.

- a. Jaime Garcia, d.b.a. Jaime Garcia Kennels, 607 W. Siesta Way, Phoenix, AZ 85041, Permit #418 (C7905111C00) (ADM2304)
- b. Olsker Kennel Corporation, 1154 N. Oakleaf Drive, Phoenix, AZ 85008, Permit #008 (C7905112C00) (ADM2304)

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- c. Barbara Whitley, d.b.a. Whitley's Whalla Kennels, 2145 W. Fairmount Avenue, Phoenix, AZ 85015, Permit #331 (C7905113C00) (ADM2304)
- d. Jim and Jackie Lawrence, d.b.a. Desperado Kennel, 15638 E. Melrose Street, Gilbert, AZ 85296-8120, Permit #290 (C7905114C00) (ADM2304)
- e. Marci Sale, d.b.a. Larkspur Labs, 1141 E. Sage Brush Street, Gilbert, AZ 85296, Permit #400 (C7906001C00) (ADM2304)
- f. Roger Horn, d.b.a. Concho Kennels, 8051 S. 13th Place, Phoenix, AZ 85040, Permit #076 (C7906005C00) (ADM2304)
- g. James Prince, d.b.a. Prince Kennels, 6102 W. Dobbins Road, Laveen, AZ 85339, Permit #263 (C7906005C00) (ADM2304)
- h. Susie and Jorge Olivera, d.b.a. Olivera Kennels, 17020 E. Campbell Road, Gilbert, AZ 85234, Permit #399. The cost of the kennel permit is \$90, plus a return trip fee of \$50, totaling \$140. (C7906006C00) (ADM2304)

AGREEMENTS TO RESCUE NON-ADOPTABLE ANIMALS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following agreements with Maricopa County under the New Hope Program, to rescue animals that have been deemed not adoptable. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older. Maricopa County will incur a \$27 loss of revenue for each dog rescued. The term of these agreements is from August 10, 2005 through August 9, 2006.

- a. Sun Cities Animal Rescue, d.b.a. Sun Valley Animal Shelter, a 501(C)3 non-profit corporation, 7150 N. 110th Avenue, Glendale, AZ 85307. Animal Care & Control estimates 800 new hope rescues over the term of the agreement, for lost revenue of \$21,600. (C7906002100)
- b. Rescue a Golden of Arizona, a 501(C)3 non-profit corporation, P. O. Box 31894, Phoenix, AZ 85046. Animal Care & Control estimates 35 new hope rescues over the term of the agreement, for a loss of revenue of \$945. (C7906003100)

AMENDMENT WITH AKITA ADVOCATES RELOCATION TEAM ARIZONA

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an amendment to Agenda No. C7905105100 to change the name of the contractor, previously known as Carol Harris, d.b.a. Squaw Peak Akita Rescue & Club to Akita Advocates Relocation Team Arizona. (C7906004M00)

FUND TRANSFERS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State

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Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference. (ADM 1000-003)

REVENUE RECEIPT AND DISTRIBUTION

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to certify by authority of A.R.S. §41-2421 (the so-called "Fill the Gap" legislation), that:

- Total revenues received in FY 2004-05 by the Justice Courts and the Superior Court including the Clerk of Superior Court are greater than court revenues received in FY 1997-98; and,
- Authorize the County Treasurer to immediately distribute the 2004-05 revenue deposited with the Maricopa County Treasurer pursuant to A.R.S. §41-2421 (amounting to five percent of total court revenues from fees) as follows:
 - 21.61% to State Aid to County Attorney Fund \$775,782.12;
 - 20.53% to State Aid to Indigent Defense Fund \$737,010.97;
 - 57.37% to Local Courts Assistance Fund \$2,059,538.19; and
 - 0.49% to State Treasurer for Dept of Law \$17,590.62. (C1806007800) (ADM1819)

BID FOR PARCEL FROM PUBLIC AUCTION

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept the highest bid received for Parcel No. 116-07-076 (Santa Cruz County), acquired by Maricopa County as a bond forfeiture and sold at public auction on July 6, 2005, pursuant to authorization previously given by the Board of Supervisors. Authorize the Chairman of the Board to execute documents as necessary to complete the transaction. The minimum bid of \$81,000 for the parcel was accepted and a deposit in excess of the minimum has been received. (C1806008B00)

INCREASE EXPENDITURE AND REVENUE BUDGET FOR MARICOPA COUNTY LEASE REVENUE BONDS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to:

- Approve an increase in the expenditure and revenue budget authority in the Lease Revenue Fund (Fund 320) for an amount not-to-exceed \$30,000,000 to be used for the issuance and defeasance of debt relating to the Maricopa County Lease Revenue Bonds, Series 2001.
- Adopt a resolution that would authorize the issuance of not-to-exceed \$30,000,000 aggregate principal amount, of Maricopa County Lease Revenue Refunding Bonds, Series 2005.
- Authorize the execution and delivery of related documents and delegate to the Chief Financial Officer authority to take certain actions in connection with the defeasance. (C1806009A00) (F22891) (F23182)

RIGHT OF ENTRY AGREEMENTS WITH CITY OF PHOENIX

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the Chairman of the Board to execute the necessary documents, with the City of Phoenix, for

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the use of county property at the Old Courthouse (3,619 square feet for right of way and 3,620 square feet for temporary construction easement along the east and north side of the site) and at the East Court building (236 square feet for temporary construction easement at the northeast corner of the site) for the construction of the City of Phoenix's Light Rail Transit Project and also grant to the city any necessary documents needed to reconstruct the ingress, egress, and parking lot configuration for the Old Courthouse. Signing these documents will allow the City of Phoenix to begin construction of the project before just compensation is determined through negotiations or through eminent domain proceedings. The Light Rail Transit Project was discussed in Executive Session on June 6, 2005 and on June 20, 2005. (C1806010000)

SOLICITATION SERIALS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Award of Solicitation Serials

- 05046-S High Voltage Electrical Service (\$5,000,000 estimate/five years).** Price agreement to provide high voltage electrical services for energized equipment used by Facilities Management and Solid Waste Management.
- o Hillcrest Electric, Inc.
 - o Klondyke, Inc.
 - o Sturgeon Electric Co., Inc.
- 05049-C Educational Media Materials (\$1,735,000 estimate/three years with three one-year renewal options),** Price agreement for the purchase of various types of educational media materials primarily for Human Services, the Library District and Sheriff's Office.
- o Davidson Titles, Inc.
 - o Discovery Education
 - o Educational Record Center
 - o Harcourt Achieve
 - o Health Edco, Cb Graphics
 - o Scholastic Library Publishing
- 05065-S VFD Motors, Purchase and Repair (\$450,000 estimate/five years).** Price agreement for the purchase, maintenance and repair of ABB brand variable speed electrical motors standardized by the Facilities Management Department.
- o Mech-Line Services, LLC
- 05068-C Dozer, Minimum Operating Weight 84,500 LBS/300 H.P. (\$489,128 estimate/one year).** Pricing agreement to purchase one (or more) dozer as requested by the Equipment Services Department.
- o Empire Machinery
- 05083-C Flour, Bulk (\$460,000 estimate/one year with five one-year renewal options).** Pricing agreement for the purchase and delivery of bulk flour for the MCSO Food Factory.

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- o Food Source International

- 05094-S Bull & Bull Compatible Hardware Maintenance, Software Support and Equipment Purchase (\$300,000 estimate/three years with three one-year renewal options).** Price agreement for hardware maintenance, software support, and equipment purchase for the MCSO Bull mainframe computer.
- o Getronics

Renewals/Extensions:

It is recommended that the Board of Supervisors approve the renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed).

Until July 31, 2007

- 03024-C Miscellaneous Foods and Staple Grocery Items (\$1,500,000 estimate/two years).** Price agreement renewal to provide miscellaneous foods and staple grocery items as requested by MCSO Sheriff's Food Service.
- o Custom Food Service, Inc.
 - o Dpi-Epicurean Fine Foods
 - o Kellogg Supply, Inc.
 - o Shamrock Foods Co.

Execution of Documents

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the execution of State and Local Government Microsoft Enterprise Agreement Enrollment forms with ASAP Software under the State of Arizona Contract AD050028A3. These documents are required for the purchase of an Enterprise Software Agreement for Microsoft desktop products that will be utilized for approximately 14,340 personal computers/laptops throughout the county. This agreement includes all commonly used desktop software including all maintenance and upgrades associated with these products for a period of three years. Total three-year value for these enterprise licenses is \$7,019,901 (\$2,339,667 per year). The first year expenditure has been approved in the county's FY 2005-06 budget. Expenditures for subsequent fiscal years (07 and 08) will be subject to appropriate budgetary approvals. (7305008000)

CAPA

The following individuals have successfully completed training provided by Materials Management and will be able to conduct nominal value procurements in selected areas for their individual agencies in accordance with the approved Certified Agency Procurement Aide Policy and Procedures.

Equipment Services

Mark Canaan

Parks and Recreation

Terri Martzke

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Facilities Management

Michael Droke

Human Resources

Loretta Price

Public Health

Wayne McNulty
Matthew Monaghan
Deborah Ramon
John Sapero
Wendy Snook

SALE OF SURPLUS PROPERTY TO PINAL COUNTY PRINT SHOP

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, to approve the sale of excess county property, which has surpassed its useful life, to Pinal County Print Shop, located at 75 N. Main Street, Florence, Arizona, for the sum of \$3.00. On a roll call vote, the motion carried unanimously (5-0) with Supervisor Wilcox, Kunasek, Stapley, Brock, and Wilson voting "aye". (C7305006M00) (ADM119)

GRANT WITH GRIC FOR SUN LAKES FIRE DISTRICT

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to:

- Authorize the Maricopa County Department of Emergency Management (MCDEM), via a Partnership Resolution between Maricopa County and the Sun Lakes Fire Department, to apply for Gila River Indian Community (GRIC) Indian Gaming Funds in the amount of \$20,828.
- Authorize the Chairman of the Maricopa County Board of Supervisors to sign the grant application, approve the grant funds if awarded, approve the resolutions, and authorize MCDEM to pass-through the funds to the Sun Lakes Fire District (SLFD), a special district located in Sun Lakes, AZ, an unincorporated area of Maricopa County. This action will require an appropriation adjustment to Fund (215), increasing the MCDEM's FY 2005-06 revenue and expenditure budgets by \$20,828. MCDEM's indirect cost rate is 11.52% for FY 2005-06. Indirect costs of \$2,399 for this grant are unallowable and unrecoverable. This cost will be fully absorbed in the MCDEM budget. MCDEM will act as the pass-through agency for SLFD and will pass-through the entire amount of the grant, in the amount of \$20,828. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of these revenues is not prohibited by budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. The grant award period is from the date of award to December 31, 2005. (C1506001100)

RESOLUTION

BE IT RESOLVED BY THE CHAIRMAN AND BOARD OF SUPERVISORS OF MARICOPA COUNTY, MARICOPA, ARIZONA AS FOLLOWS:

Section 1. The Maricopa County Department of Emergency Management (MCDEM) authorized to submit a Grant Request letter(s) to the Gila River Indian Community for Proposition 202 Indian Gaming Funds in the amount \$20,828 in FY 2005-06.

Section 2. The Maricopa County Department of Emergency Management is hereby authorized to accept grant funds from the Gila River Indian Community and to pass-through these funds to Sun Lakes Fire Department.

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Section 3. The Chairman of the Maricopa County Board of Supervisors is hereby authorized to execute said grant letter(s)/application(s), and necessary acceptance documentation.

DATED this 10th day of August 2005.

/s/ Max W. Wilson, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

FIVE-YEAR MAJOR MAINTENANCE BUDGET ADJUSTMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following FY 2005-06 Five-Year Major Maintenance budget adjustments in the Appropriated Fund Balance Department (480), Detention Fund (255) (4832):

Decrease

- o Durango Juvenile Infrastructure Improvements, Function Class DDII by \$2,540,000 in Year 1, by \$3,457,000 in Year 2, by \$4,624,800 in Years 3, 4, and 5.
- o Estrella Jail Infrastructure Improvements, Function Class EJIS by \$1,100,000 in Year 1, by \$567,500 in Year 3, by \$565,500 in Years 4 and 5.
- o Southeast Juvenile Infrastructure Improvements, Function Class SJUI by \$900,000 in Year 1.
- o Towers Jail Infrastructure Improvements, Function Class TIJU by \$950,000 in Year 1, by \$4,810,400 in Years 3, 4, and 5.
- o Durango Jail Infrastructure Improvements, Function Class DDJS by \$9,645,900 in Years 3, 4, and 5.

Increase

- o Detention Fund General Contingency line (4811) by \$5,490,000.

The adjustments have a net zero impact on the overall county budget. (C7006001800) (ADM800-003)

EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

~ Chairman Wilson left the dais ~

A236.007 Project No: TT046 – 103rd Street (McLellan Road to McKellips Road) – Easement and
(JPM) Agreement for Highway Purposes – Parcel No.: 220-02-009D – Roman W. Ulman
and Irene A. Ulman – for the sum of \$9,096.00.

A236.007 Project No: TT046 – 103rd Street (McLellan Road to McKellips Road) – Purchase
(JPM) Agreement and Escrow Instructions – Parcel No.: 220-02-009D – Roman W. Ulman
and Irene A. Ulman.

A236.008 Project No: TT046 – 103rd Street (McLellan Road to McKellips Road) – Easement and
(JPM) Agreement for Highway Purposes – Parcel No.: 220-02-009C – Roman W. Ulman
and Irene A. Ulman – for the sum of \$16,666.00.

A236.008 Project No: TT046 – 103rd Street (McLellan Road to McKellips Road) – Purchase
(JPM) Agreement and Escrow Instructions – Parcel No.: 220-02-009C – Roman W. Ulman
and Irene A. Ulman.

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- | | |
|---------------------------------|--|
| A237.002
(CS) | Project No: 69010 – 104 th Street (MCFCD Canal to McLellen) – Temporary Easement and Agreement for Highway Purposes – Parcel No.: 220-04-005N – David A. Nantz and Sandra D. Nantz – for the sum of \$2,500.00. |
| A287.003
(CS) | Project No: TT047 – PM10 / Honda Bow (11 th Avenue – 7 th Avenue) – Easement and Agreement for Highway Purposes – Parcel No.: 211-22-005A – Nancy Werring – for the sum of \$20,500.00. |
| A287.003
(CS) | Project No: TT047 – PM10 / Honda Bow (11 th Avenue – 7 th Avenue) – Purchase Agreement and Escrow Instructions – Parcel No.: 211-22-005A – Nancy Werring. |
| A339.016
(CS) | Project No: TE115 – 107 th Avenue and Northern – Agreement for Right of Entry – Parcel No.: 142-73-002J – William D. Long or his successor as Trustee, Max W. Wilson, and Judith A. Wilson – for the sum of \$500.00. |
| A339.041 &
A339.042
(JPM) | Project No: TE171 – Meeker Boulevard @ Aleppo Drive – Agreement for Right of Entry – Parcel No.: 232-12-054 & 232-15-932 – Arizona American Water Company, an Arizona corporation – for the sum of \$500.00. |
| DD-9509
(CS) | R/W Dedication - Drainage Easement - Parcel No.: 503-34-217 - Peak View Ranch, LLC - for the sum of \$10.00. |
| N/A
(HH) | Project No: TT011 (68719) - Table Mesa Road (I-17 Interchange) - Right-of-Way - R/W No. 16-108544 - State of Arizona. |
| N/A
(LS) | Project No: TT103 (68993) - El Mirage Road (Bell Road to Beardsley Road) and TT104 (68995) - El Mirage Road (Beardsley Road to Loop 303) - Right-of-Way - R/W No. 16-107956 - State of Arizona. |
| W-6290 and
W-6290-1
(JPM) | Project No: TT062 - Ellsworth Road (University Drive to McLellan Road) - Agreement for Right of Entry - Parcel No.: 218-07-040B - The Tom's Property, L.L.L.P., Limited Liability Limited Partnership - for the sum of \$500.00. |
| X-0902 &
X-0903
(LJS) | Project No: 68960 - MC 85 (Cotton Lane to Estrella Parkway) - Quit Claim Deed - Parcel No.: 500-06-041B & 041D - City of Goodyear - for the sum of \$10.00. |
| X-1502
(JPP) | Project No: TT068A - Ellsworth Road (Germann Road to Ray Road) - Agreement for Right of Entry - Williams Gateway Airport Authority - for the sum of \$1.00. |

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the above easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (ADM2007)

- | | |
|------------------|---|
| A339.052
(CS) | Project No: TE218 - Litchfield & Waddell - Agreement for Right of Entry - Parcel No.: 501-38-007M - The Farm - for the sum of \$500.00. |
|------------------|---|

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, carried by a majority vote (4-0-0-1) with Supervisor Wilcox, Brock, Kunasek and Stapley voting "aye" to approve the above agreement for Right of Entry. Chairman Wilson abstained because of a conflict of interest. (ADM2007)

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~ Chairman Wilson returned to the dais ~

REIMBURSE RWCD FOR ENGINEERING SERVICES & CONSTRUCTION COSTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve reimbursement to Roosevelt Water Conservation District (RWCD) in the amount of \$94,486 for engineering services and construction costs for RWCD facility modifications to resolve conflicts with the Maricopa County Department of Transportation, (MCDOT) Project T046 (16223), PM 10-Southeast Valley. MCDOT acknowledges that the irrigation facility has prior rights. (C6405301101) (ADM2000-006)

RESCIND ANNEXATION/DEANNEXATION ACTION - PHOENIX/PEORIA

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to rescind Board of Supervisors' action on June 8, 2005 (C6405330B00), in which the Board of Supervisors approved an annexation of county right-of-way by City of Phoenix Ordinance G-4674. Ordinance G-4674 was approved on April 20, 2005 as part of a deannexation by Peoria and annexation by Phoenix. (C6405330B01) (ADM4213)

AGREEMENT WITH RCSCW FOR SIGN REIMBURSEMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the agreement between Maricopa County and the Recreation Centers of Sun City West, Inc. (RCSCW) for financial reimbursement for the Sun City West monument sign. The county will reimburse RCSCW \$60,000 for their existing monument sign once this agreement has been approved by the Board of Supervisors. The \$60,000 is programmed within the budget for Project No. T120 (#69041), Bell Road at RH Johnson. Approval of this agenda item is contingent upon the Board adopting the recommended FY 2005-06 budget. (C6405350200)

GRANT RESOLUTION FOR UNION HILLS MULTI-MODAL PATH PROJECT

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Maricopa County Department of Transportation (MCDOT) Resolution No. 05-02 authorizing MCDOT to submit a grant application to the Gila River Indian Community (GRIC) State Shared Revenue Program (Cities, Towns and Counties Distribution Fund). As required by the Gila River Indian Community, a resolution must be submitted before the project can be considered for funding. MCDOT wishes to submit the Union Hills Multi-Modal Path Project for funding in the amount of \$52,000. If a grant award is made, authority to accept the funds will remain with the Board of Supervisors and approval of a budget adjustment will be requested to amend the FY 2005-06 budget to accept the grant, add the project to the capital program, and allocate funds for construction. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. The indirect costs are not recoverable. The funds will be used for program costs. The department's indirect cost rate is 16.1%. (C6405351300)

RESOLUTION

WHEREAS, the Gila River Indian Community is seeking applications from cities, towns and counties to be considered for State Shared Revenue Program.

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WHEREAS, the Maricopa County Department of Transportation, is interested in submitting applications to the Gila River Indian Community for the following project:

Union Hills Drive Multi-Modal Path between Westbrook Parkway and Palo Verde Drive

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, Maricopa County, Arizona,

1. THAT, the Maricopa County Department of Transportation is hereby authorized to submit applications to the Gila River Indian Community State Shared Revenue Program for the following project:
2. THAT, Michael S. Ellegood, P.E. Transportation Director, is authorized to sign the application, execute necessary agreements and submit all documents and any other necessary or desirable instruments in connection with such funding.

PASSED AND ADOPTED by the Board of Supervisors, Maricopa County, Arizona

DATED this 10th day of August 2005.

/s/ Max W. Wilson, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

ANNEXATIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following annexations:

- a. **By the City of Goodyear** of county right-of-way within Cotton Lane, I-10 to MC85, in accordance with Ordinance No. 05-930. (C6405353700) (ADM4208)
- b. **By the City of Avondale** of county right-of-way within the north 31' of Van Buren Road from Central Avenue (Avondale) then east 1320' approx., also, the north right-of-way (variable widths) of Van Buren Street from El Mirage Road then east 4350' approx., in accordance with Ordinance No. 1092-05. (C6405356700) (ADM4201)
- c. **By the Town of Gilbert** of county right-of-way within the south right-of-way of Pecos Road, from approx. ¼ mile east of Gilbert Road, continuing east to Lindsay Road, in accordance with Ordinance No. 1610. (C6406002700) (ADM4206)
- d. **By the City of Phoenix** of county right-of-way within 75th Avenue from Buckeye Road to Van Buren Street, in accordance with Ordinance G-4657. (C6406004700) (ADM4213)

CONTRACT WITH KITTELSON & ASSOCIATES FOR STREET LIGHTING POLICIES

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to award Contract No. 2005-24 with Kittelson & Associates for the preparation of street lighting policies and procedures in an amount not-to-exceed \$75,000. The contract is effective for 365 calendar days

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following the Board of Supervisors' approval or until the expenditure of \$75,000, whichever occurs first. (C6405359500)

ON-CALL CONTRACTS FOR APPRAISAL SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to award 11 on-call contracts for pending and new projects requiring appraisal services. Each contract is effective for 730 calendar days following the Board of Supervisors' approval or until the expenditure of \$75,000, whichever occurs first. Contracts are as follows:

- Dennis Lopez & Associates (C6405361500);
- Johnson & Zaddack, Inc. (C6405362500);
- Nagy Property Consultants, Inc. (C6405363500);
- Harding & Associates (C6405364500);
- Loper & Associates, LLC (6405365500);
- Hulet & Associates (6405366500);
- Appraisal Technology, Inc. (6405367500);
- Glover Valuation Group (6405368500);
- Thoms & Associates Appraisal & Consulting (C6405369500);
- First Appraisal Services (C6405370500);
- Montandon Farley Re-Ad Group (C6405371500). (C64053605ZZ)

REIMBURSE BWCDD FOR RELOCATION AND MODIFICATION DESIGN SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to Approve reimbursement to Buckeye Water Conservation & Drainage District (BWCDD) in the amount of \$82,800 for engineering design services for the relocation and modification of BWCDD irrigation facilities in conflict with the Maricopa County Department of Transportation, (MCDOT) project T171 (69075) MC 85 Extension (SR 85 to Turner Road). The cost may not exceed the estimated amount of \$82,800 by more than ten percent. MCDOT acknowledges that the irrigation facility has prior rights. (C6406001000) (ADM2000-006)

IGA WITH TOWN OF WICKENBURG FOR OXBOW DRIVE IMPROVEMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an intergovernmental agreement (IGA) with the Town of Wickenburg for improvements to North and South Oxbow Drive (beginning and ending at Kellis Road), Work Order No. 68872-17. The total cost is estimated to be \$252,778. (C6406003200)

SELF-INSURED TRUST FUND BOARD OF TRUSTEES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to appoint Mr. Joe Lugo, replacing Mr. Peter Moraga, whose term is effective from Board of Supervisors' approval through April 1, 2006. (ADM 3713-001)

HEARING SET - PLANNING AND ZONING CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated

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areas of Maricopa County for September 7, 2005, at 9:00 a.m. in the Board of Supervisors Conference Room, as follows:

Z2005041: Z2005060

ASRS CLAIMS

There were no ASRS Claims presented at this meeting. (ADM3309-001)

APPOINTMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following Official Appointments:

- o Mr. Homer Steven Pacheco as Special Deputy County Attorney,
- o Ms. Barbara Hazel as Special Deputy County Attorney, and
- o Mr. James Gardner as Special Deputy County Attorney.

CANVASS OF ELECTIONS

There were no canvasses of elections submitted at this time.

CHECK ENFORCEMENT FUND QUARTERLY REPORT

In accordance with A.R.S. §13-1811(F) County Bad Check Trust Fund, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept the quarterly financial reports of all revenues and expenditures from the Check Enforcement Fund for the periods of July 2004 through June 2005. (ADM 404-001)

CLASSIFICATION CHANGES

Pursuant to A.R.S. §42-12054, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the Assessor's recommendation that the Board change classification and/or reduce the valuation of certain properties which are now owner-occupied. (ADM723)

<u>PARCEL NUMBER</u>	<u>YEAR</u>	<u>OWNER</u>	<u>CLASS FROM:</u>	<u>CLASS TO:</u>
102-53-214A	2002	VIVIAN CHARITY	CL/4	CL/3
102-53-214A	2003	VIVIAN CHARITY	CL/4	CL/3
102-53-214A	2004	VIVIAN CHARITY	CL/4	CL/3
103-03-159	2002	RICARDO ENRIQUEZ	CL/4	CL/3
103-03-159	2003	RICARDO ENRIQUEZ	CL/4	CL/3
103-03-159	2004	RICARDO ENRIQUEZ	CL/4	CL/3
110-39-030	2002	RODRIGUEZ FIDELIA	CL/4	CL/3
110-39-030	2003	RODRIGUEZ FIDELIA	CL/4	CL/3
110-39-030	2004	RODRIGUEZ FIDELIA	CL/4	CL/3
117-26-076	2002	DOUGLAS WOLCOTT	CL/4	CL/3
117-26-076	2003	DOUGLAS WOLCOTT	CL/4	CL/3
117-26-076	2004	DOUGHAL WOLCOTT	CL/4	CL/3
119-33-097	2003	ANNE ALDRICH	CL/4	CL/3

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119-33-097	2004	ANNE ALDRICH	CL/4	CL/3
130-20-078A	2002	GEORGE AYLWARD	CL/4	CL/3
130-20-078A	2003	GEORGE AYLWARD	CL/4	CL/3
130-20-078A	2004	GEORGE AYLARD	CL/4	CL/3
131-46-016	2002	SULLIVAN MICHAEL	CL/4	CL/3
131-46-016	2003	SULLIVAN MICHAEL	CL/4	CL/3
131-46-016	2004	SULLIVAN MICHAEL	CL/4	CL/3
139-28-091	2002	FIGUEROA PABLO	CL/4	CL/3
139-28-091	2003	FIGUEROA PABLO	CL/4	CL/3
139-28-091	2004	FIGUEROA PABLO	CL/4	CL/3
142-01-048	2002	STEPHEN BRUSSAT	CL/4	CL/3
142-01-048	2003	STEPHEN BRUSSAT	CL/4	CL/3
142-01-048	2004	STEPHEN BRUSSAT	CL/4	CL/3
142-01-048	2005	STEPHEN BRUSSAT	CL/4	CL/3
147-07-002R	2004	KNIGHT WG	CL/4	CL/3
150-10-175	2002	STRESSING ROBERT	CL/4	CL/3
150-10-175	2003	STRESSING ROBERT	CL/4	CL/3
150-10-175	2004	STRESSING ROBERT	CL/4	CL/3
200-41-764	2002	HANS MANSFELD	CL/4	CL/3
200-41-764	2003	HANS MANSFELD	CL/4	CL/3
200-41-764	2004	HANS MANSFELD	CL/4	CL/3
218-54-257	2002	ROSNER FAMILY TRUST	CL/4	CL/3
218-54-257	2003	ROSNER FAMILY TRUST	CL/4	CL/3
218-54-257	2004	ROSNER FAMILY TRUST	CL/4	CL/3
218-54-257	2005	ROSNER FAMILY TRUST	CL/4	CL/3
300-16-155	2004	WILLIAM SHISLER	CL/4	CL/3
300-16-155	2005	WILLIAM SHISLER	CL/4	CL/3
301-48-018	2002	VIVIAN CHARITY	CL/4	CL/3
301-48-018	2003	VIVIAN CHARITY	CL/4	CL/3
301-48-018	2004	VIVIAN CHARITY	CL/4	CL/3
301-51-165	2002	LYNETTE BAZE	CL/4	CL/3
301-51-165	2003	LYNETTE BAZE	CL/4	CL/3
301-51-165	2004	LYNETTE BAZE	CL/4	CL/3
308-03-492	2002	SHARON SHOGREN	CL/4	CL/3
308-03-492	2003	SHARON SHOGREN	CL/4	CL/3
308-03-492	2004	SHARON SHOGREN	CL/4	CL/3
500-62-010B	2002	JUANITA HERNANDEZ	CL/4	CL/3
500-62-010B	2003	JUANITA HERNANDEZ	CL/4	CL/3
500-62-010B	2004	JUANITA HERNANDEZ	CL/4	CL/3

COUNTY TREASURER'S STATEMENT OF COLLECTIONS AND INVESTMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept the Treasurer's Statement of Collections and Investment summary reports for June 2005. The list is retained in accordance with ASLAPR approved retention schedule. (ADM4006)

DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Wilcox seconded by Supervisor Stapley, and unanimously carried (5-0) to approve issuing duplicate

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warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823)
(ADM3809)

COUNTY

NAME	WARRANT	FUND	AMOUNT
Lawrence Lewis Carder	640086866	Jury	\$55.74
Grace Yeager	640087513	Jury	\$46.08
Brett Huskey	640082939	Jury	\$114.24
Doreen Girdeen	350553639	Expense	\$272.50
Michael Romero	250065535	572	\$677.43
Debra Olason	250064544	Salary	\$606.50
Taco del Mar	350552129	Expense	\$260.00
E. Sharon Storrs	350558702	Expense	\$6,000.00
City of Surprise	350525729	Expense	\$34,641.56
Clemente Garcia	260002903	General	\$848.55
Josie Ortega	250067333	Payroll	\$545.34
Diane Stryk	350563009	Expense	\$3,150.00
Elizabeth Lewis	350563029	Expense	\$1,000.00
Kent Alger	260004745	General	\$488.73
Theodore Ackman	260005909	Payroll	\$426.12
B&B Evaluations	350562731	Expense	\$3,400
DMJM+Harris	350502263	Expense	\$1,788.74
Windermere Hotel & Conference Center	350564158	Expense	\$6,507.75

SCHOOL

NAME	SCHOOL	WARRANT	AMOUNT
Carlex	Agua Fria Union High SD#216	450078114	\$98.50
American Musical Instrument	Agua Fria Union High SD#216	450114016	\$3,053.70
Climotec Inc	Laveen	450002194	\$3,453.80
Erin Martin	Isaac SD #5	150124797	\$4,327.27
Steward Franklin	Phoenix Elem SD#1	450109835	\$197.64
Irene Ruiz de Bello	Avondale Elem SD	150130133	\$783.08
ACCEL	Murphy Elem SD#21	450136558	\$11,542.00
Nextel West Corp	Roosevelt SD#66	450125339	\$1,984.41
Rosa Maria Armenta	Roosevelt SD	160000486	\$432.93
VALIC	Pendergast SD	450138687	\$13,808.00
Redburn Tire Co.	Isaac Elem SD #5	450108287	\$160.63
Troxell Communications	Phoenix Elem SD #1	450121513	\$87.19
Joson Reschke	Pendergast SD	150135585	\$1,348.14
Mana Leonard	Balsz SD #31	150129984	\$773.41
Jesus Moreno	Pendergast SD	150135519	\$236.19
Maribeth Senner	Buckeye Elem SD #33	150130062	\$1,075.63
Irene Bafaloukes-Goad	Osborn SD	450144186	\$347.70
Mark Batts	Queen Creek SD	95540519	\$120.00
Mandie Haven	Litchfield Elem SD #79	150130876	\$930.86

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Angela Petit	Roosevelt SD #66	150000381	\$300.34
Emily Strunk	Higley USD #60	150133440	\$1,138.53
Starr Weltzin	Littleton SD	450049514	\$42.12
Albert Notley	Littleton SD	160001288	\$826.15
Tracy Jones	Roosevelt SD #66	450139471	\$18.00
Albert Beck	Roosevelt SD	160000497	\$233.02
Soledad Gomez-Peralta	Fowler SD	150107273	\$187.85
World Wide Technology	Higley Unified SD #60	450103854	\$2,334.96
Ana Ayala	Alhambra SD	150128245	\$151.28
Deshonte Bates	Roosevelt SD	160002295	\$249.04
Design 10 Custom Screenprinting	Osborn SD #8	450131325	\$1,205.32
Oriental Trading Co	Expense Fund	45127819	\$2,764.68
Amy Stouffer	Expense Fund	450127822	\$653.20

MINUTES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the minutes of the Board of Supervisors meetings held February 17, 2005, March 2, 2005, and May 31, 2005.

MINUTES CORRECTIONS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to:

- a. Amend the minutes to the Formal Meeting dated February 18, 2004, to reflect Agenda Item No. C64041685, as withdrawn by the department and not approved by the Board of Supervisors. (ADM2000-006)
- b. Amend the minutes to the Formal Meeting dated August 13, 2003, changing the statement that no claims were submitted, to reflect payment of claims submitted, by the Arizona State Retirement System, on behalf of current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. (ADM3309-001)

PRECINCT COMMITTEEMEN

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the appointment and cancellation of appointment of Precinct Committeemen. The list is retained in accordance with ASLAPR approved retention schedule. (ADM1701)

REDEMPTION OF WAIVERS FOR INDIVIDUALS AND ORGANIZATIONAL EXEMPTIONS

Pursuant to A.R.S. §42-11153B, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the redemption of waivers for individuals and organizations requesting exemptions for the 2005 tax year during the period of March 1, 2005 through July 22, 2005. The list is on file in the Clerk of the Board's office and retained in accordance with the Department of Library, Archives, and Public Records retention schedule. (ADM721)

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SECURED TAX ROLL CORRECTIONS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (List is retained in accordance with ASLAPR approved retention schedule.) (ADM705)

Tax Roll	From No.	To No.	Net Result
1999	7845	8294	-\$2,385,236.14
2000	13052	13052	-\$3,896.64
2000	13079	13080	-\$15,669.60
2001	39855	39856	-\$28,715.80
2003	23101	23405	-\$2,063.38
2002	18189	18248	-\$56,351.70
2003	23406	23529	-\$99,748.84
2004	7375	7482	-\$4,216.14
2004	7680	8046	-\$912,577.56
2004	8047	8421	-\$397,968.96
2003	23530	23682	-\$4,071.70
2002	18249	18834	-\$8,041.20
2001	39857	39857	-\$858.94
2000	13081	13081	-\$917.68
1999	8295	8295	-\$730.18
2002	18353	18362	-\$17,125.00
2002	18335	18383	-\$17,125.00

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the settlement of tax cases dated August 10, 2005. (List is retained in accordance with ASLAPR approved retention schedule.) (ADM704)

2003	2005
CV 03-023801	CV 04-000673
TX 04-000478	ST 04-000194
	ST 04-000195
2003/2004/2005	ST 04-000259
TX 03-000094	ST 04-000260
	ST 04-000264
2004	ST 04-000269
CV 04-006420	ST 05-000012
ST 04-000344	TX 04-000533
ST 04-000345	TX 04-000594
TX 03-000597	TX 04-000598
TX 03-000599	TX 04-000728

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TX 03-000606	TX 04-000744
TX 03-000762	TX 04-000747
TX 04-000118	TX 04-000769
TX 04-000286	TX 04-000826
	TX 04-000843
	TX 04-000844
2004/2005	TX 04-000847
CV 03-023638	TX 04-000918
	TX 04-000974
	TX 04-000988
	TX 04-000990
	2005/2006
	ST 04-000219
	ST 04-000224
	TX 04-000532
	TX 04-000939

STALE DATED WARRANTS

The Board of Supervisors finds that claims presented, pursuant to A.R.S. §11-644, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

NAME	AMOUNT
Lodgian Management Corp	\$1,391.46
Lodgian Management Corp	\$1,841.11
Ginger Ann Ray	\$36.42
Three Fountain Apartments	\$3,534.67
Brian Drysdale	\$58.50

TAX ABATEMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve requests for tax abatements from the Treasurer's Office. (List is retained in accordance with ASLAPR approved retention schedule.) [Clerk's Note: This is not a part of the official minutes, see the minutes of meeting dated November 16, 2005, correcting typographical errors on Tax Abatements.] (ADM708)

Parcel #	Year	Proposed Abatement
142-25-004V	1989	\$2,193.54
142-25-004V	1990	\$2,405.10
142-25-004V	1991	\$2,202.03
142-25-004V	1992	\$2,320.73
142-25-004V	1993	\$2,325.93

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142-25-004V	1994	\$2,317.13
142-25-004V	1995	\$2,691.52
142-25-004V	1996	\$2,531.68
102-14-001V	2003	\$356.12
102-14-001V	2004	\$2,206.24
201-14-001W	2003	\$15.50
201-14-001W	2004	\$173.01
164-12-987A	1995	\$11,279.52
164-12-987A	1996	\$12,339.97
164-12-987A	1997	\$11,163.74
164-12-987A	1998	\$12,620.24
164-12-987A	1999	\$14,250.65
164-12-987A	2000	\$13,587.08
903-76-195	1984	\$9,964.59
903-76-195	1985	\$19,786.45
109-53-005Y	1979	\$3,037.19
109-53-005Y	1990	\$4,012.48
109-53-005Y	1991	\$3,916.93
109-53-005Y	1992	\$3,607.33
109-53-005Y	1993	\$3,203.04
109-53-005Y	1994	\$5,145.74
109-53-005Y	1995	\$7,559.93
109-53-005Y	1996	\$4,040.64
218-03-205A	1989	\$5,194.45
218-03-205A	1990	\$4,545.04
218-03-205A	1991	\$4,404.77
218-03-205A	1992	\$1,379.69
218-03-205A	1993	\$2,877.54
218-03-205A	1994	\$2,842.49
218-03-205A	1995	\$2,654.16
218-03-205A	1996	\$3,254.14
218-03-205A	1997	\$2,844.16
218-03-205A	1998	\$2,393.86
218-03-205A	1999	\$1,958.67
218-03-205A	2000	\$2,353.75
218-03-205A	2001	\$2,101.27
218-03-205A	2002	\$1,725.11
218-03-205A	2003	\$1,429.18
218-03-205A	2004	\$2,144.17
140-75-095	1994	\$688.96
140-75-095	1995	\$740.01
140-75-095	1996	\$762.67
140-75-095	1997	\$1,287.04
140-75-095	1998	\$1,252.83
140-75-095	1999	\$1,383.62

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140-75-095	2000	\$1,183.81
140-75-095	2001	\$968.69
140-75-095	2002	\$915.58
140-75-095	2003	\$932.27
140-75-095	2004	\$619.75
112-15-145A	1998	\$478.65
112-15-145A	1999	\$453.26
112-15-145A	2000	\$505.73
112-15-145A	2001	\$406.07
112-15-143	1998	\$318.73
112-15-143	1999	\$513.34
112-15-143	2000	\$631.96
112-15-143	2001	\$503.34
112-15-141	1998	\$4,320.85
112-15-141	1999	\$4,395.83
112-15-141	2000	\$4,623.42
112-15-141	2001	\$3,702.11
110-17-118	2001	\$14,087.86
500-04-251	2001	\$8.32
500-04-251	2002	\$8.48
500-04-251	2003	\$16.52
500-04-044E	2001	\$916.80
500-04-044E	2002	\$3,939.62
500-04-044E	2003	\$4,844.88
500-04-044E	2004	\$4,345.73
159-47-293	1995	\$183.94
159-47-293	1996	\$151.34
159-47-293	1997	\$140.09
159-47-293	1998	\$128.83
159-47-293	1999	\$119.50
159-47-293	2000	\$105.02
159-47-293	2001	\$94.86
217-29-032	2003	\$3,381.07
217-29-033	2003	\$3,422.01
934-69-565	1999	\$2,532.75
934-69-565	2000	\$1,962.83
934-69-565	2001	\$1,355.92
934-67-954	2001	\$291.19
934-67-954	2002	\$213.17
934-67-954	2003	\$143.76
915-92-158	1992	\$1,432.78
917-87-650	1991	\$99.56
924-20-864	1990	\$46.91
946-56-348	2001	\$8,253.51
946-56-320	2001	\$9,996.48

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946-56-339

2001

\$3,952.73

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

Tim Wagner, citizen, stepped forward to address the Board and requested that the Board write a letter to the Arizona Cardinals to rename the team to something more area appropriate that would identify with the State of Arizona. (ADM605) Mr. Wagner felt that changing the name of the NFL team (Arizona Cardinals) would attract more fans to the games, which would in return generate more profitable revenue to Maricopa County.

Supervisor Stapley distributed a copy of an article from Newsweek on "The Meth Epidemic" and strongly recommended that everyone read the article, because it speaks of the direct effect on county governments across the country. Supervisor Stapley reported that "Meth" has far surpassed any other drug in the nation and the drug crisis is becoming worse. Mr. Stapley said "we need to educate ourselves and look at our role as a county to take action and help move government to fight this epidemic."

Supervisor Wilcox commented that on September 1, 2005, one out of every 13 homes will be mailed a 2005 Census Survey and urged the people, who receive it, to fill out the census survey and mail it back. Supervisor Wilcox added that it is very important to return the census because it will help yield more federal tax dollars to the appropriate cities or regions.

David Smith announced that Supervisor Stapley was elected 2nd Vice President for the National Association of Counties (NACo). (ADM606)

CODE ENFORCEMENT REVIEW – MARC AND TAMELA JO ASBURY CONTINUED

Item: This is the time for the review of the Hearing Officer's Order of Judgment in the Zoning Code Violation Case No. V2004-1801, Marc and Tamela Jo Asbury. (ADM3417-028)

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to continue this case for 90 days, per Supervisor Brock's request.

PLANNING AND ZONING AGENDA

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Chief Regional Development Services Officer, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

CONSENT AGENDA DETAIL:

1. **Z2004-108** District 3

 Applicant: Earl, Curley, & Lagarde, PC for Anthem Unit 101
 Location: Northwest corner of Gavilan Peak Parkway and Venture Drive (in the Anthem area)
 Request: Major Amendment to R-3 RUPD development standards (approx. 25.8 acres)

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COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2004-108, subject to the following stipulations "a" through "o". Commissioner Jones seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the zoning exhibit entitled "Anthem Unit 101 Preliminary Plat and R-3 RUPD Zoning Exhibit" consisting of six (6) full size sheets, dated revised June 27, 2005, and stamped received June 27, 2005, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Parcel 2 (Anthem Unit 101) RUPD Amendment," consisting of eight (8) pages, dated (revised) June 16, 2005, and stamped received June 16, 2005, except as modified by the following stipulations.
- c. Development of the site shall be in general conformance with the landscape plan entitled "Parcel 2 Conceptual Landscape Plan", consisting of one (1) page, dated October 15, 2004, and stamped received June 27, 2005 except as modified by the following stipulations.
- d. All trees shall be double-staked when installed.
- e. The maximum building height for development within this project shall be limited to 30' and 2 stories.
- f. A continuous parapet shall screen all roof-mounted equipment.
- g. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- h. Development of the site shall include half-street improvements (including paving, gutter and sidewalk) to ultimate width for Venture Drive along the perimeter of the site.
- i. All interior streets within the proposed development are to be constructed to minimum County standards.
- j. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- k. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- l. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.

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- m. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- n. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- o. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

Darren Gerard outlined the Commission action on this item. There were no speakers.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval of the Amendment to R-3 RUPD development standards with stipulations "a" through "o."

2. Z2003-120 District 4

Applicant: Stanton Scow for Scow Harvesting
Location: Southwest corner of Southern Avenue and 309th Avenue (in the Buckeye area)
Request: Special Use Permit (SUP) for an agriculturally oriented operation in the Rural-43 zoning district (approx. 5 ac. of a 38 ac. site)

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2003-120, subject to the following stipulations "a" through "m". Commissioner Jones seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development and use of the site shall comply with the site plan entitled "Scow Harvesting Site Plan Special Use Permit Agriculturally Oriented Operations in Rural-43 Zone" consisting of one (1) full-size sheet revised May 18, 2005 and stamped received June 13, 2005 except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Scow Harvesting" consisting of three (3) pages, dated May 18, 2005 and stamped received June 13, 2005 except as modified by the following stipulations:
- c. Dedication of additional right-of-way to bring the total half-width dedication to 65' for Southern Ave. shall occur within 6 months of approval of this request by the Board of Supervisors, and prior to zoning clearance.
- d. At such time the existing fence along Southern Ave. is removed, the applicant shall immediately construct the 6' high block fencing as shown on the site plan.

- e. The septic system is permitted to receive only normal sanitary sewage. No industrial products such as fuels, oils, gasoline, hazardous wastes, metal sludges, etc. may be discharged into the septic system. If the facility generates hazardous wastes, these must be handled in accordance with the applicable federal, state and local hazardous waste regulations and not be placed into the septic system.
- f. The County's Drainage Regulations require that a drainage clearance be obtained prior to issuance of a building permit. The plan submittal for drainage clearance shall not include any future improvements. All requirements as outlined in the plan submittal requirements for drainage review – precise plan will need to be provided on the drainage clearance submittal.
- g. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- h. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- i. This Special Use Permit shall expire twenty (20) years from the date of approval by the Board of Supervisors, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- j. The applicant shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- k. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- l. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance).
- m. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

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Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval of the Special Use Permit with stipulations "a" through "m"

REGULAR AGENDA DETAIL:

3. Z2001-042 District 2

Applicant: Donald and Ann Gravely for Gravely Auto and Trailer Sales
Location: South side of Apache Trail, east of Mountain Road (in the east Mesa area)
Request: Rezone from C-3 and R1-8 to IND-2 (approx. 0.96 acres)

COMMISSION ACTION: Commissioner Barney moved to recommend denial of Z2001-042. Commissioner Porter seconded the motion, which passed with a unanimous vote of 8-0.

Darren Gerard outlined the Commission action on this item. Mr. Gerard said that his staff and commissions recommend denial for the following reasons; industrial zoning not compatible with surrounding residential neighborhoods, zoning not consistent with applicable land use plans, plan and development submitted by the applicant did not meet minimum standards, and neighborhood opposition.

Ann Gravely, applicant, stepped forward to address the Board on this matter. Ms. Gravely distributed a handout with information and pictures for the Supervisors to review. Ms. Gravely briefed the board on the history of the violation case and what brought it to this level. She briefly outlined what her business does and who it provides services to and defended her business from the complaints she has received. Ms. Gravely requested that the Board reconsider the case and approve to re-zone. She indicated that she would make all the necessary improvements to be in compliance with planning and zoning.

Supervisor Stapley commented that the manufacturing business has been in zoning violation since 1999, (for approximately 5 years), and the applicant was aware that she was in violation. Supervisor Stapley felt that the applicant should have checked for zoning to ascertain use of the property, at the time the property was purchased. Ms. Gravely responded that when the property was purchased in 1998 she assumed that it was okay to use the property for industrial use since the State of Arizona had issued her the license.

Supervisor Stapley explained that the property is inappropriate for light industrial use and agreed that the manufacturing portion of the business should be relocated.

Jeff Gravely, applicant's son, commented that only 50 feet of the parcel was residential and the rest was zoned C-3.

In response to a question from Supervisor Kunasek, Mr. Gerard said that the sale of trailers was acceptable in the C-3 zoning. The main issue was the manufacturing aspect of the business not the sales.

Supervisor Wilcox asked if a grace period could be considered for the applicants to relocate the manufacturing business. Ms. Wilcox felt it would be a hardship on the applicant to have to relocate the manufacturing business and suggested giving the applicant a three month period.

Joy Rich said that staff would work with the applicant. Ms. Rich indicated that the applicant would have a 60 day grace period and an additional 90-120 days before they could return with a code enforcement

complaint. It was agreed that the applicant could continue with the sales of trailers at the current location, but would have to relocate the manufacturing business.

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for denial of the above case Z2001-042.

4. Z2004-110 District 4

Applicant: Samuel P. Simmons for Pat Simmons Golf
Location: Northeast corner of 180th Avenue and Waddell Road (in the Surprise area)
Request: Special Use Permit (SUP) for a cottage industry in the Rural-43 zoning district (approx. 0.45 acres of a 1.6 acre parent parcel)

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2004-110, subject to the following stipulations "a" through "o". Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development and use of the site shall comply with the site plan entitled "Samuel P. Simmons Special Use Permit For Cottage Industry" consisting of one (1) full-size sheet revised April 27, 2005 and stamped received June 3, 2005 except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Samuel Pat Simmons Special Use Permit Application For Cottage Industry" consisting of nine (9) pages, dated April 27, 2005 and stamped received June 3, 2005 except as modified by the following stipulations.
- c. Dedication of additional right-of-way to bring the total half-width dedication to 65' for Waddell Rd. shall occur within 6 months of approval of this request by the Board of Supervisors, and prior to zoning clearance.
- d. The applicant shall pave that portion of the driveway that encroaches into County right-of-way.
- e. The applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way
- f. Drainage clearance will be required per County Drainage Regulations prior to issuance of any building permit within the Special Use Permit area
- g. All habitable buildings constructed within this Special Use Permit area shall be constructed to attain noise reduction as per A.R.S. § 28-8482(B).
- h. Within 60 days of approval, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.

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- i. No materials associated with this Special Use Permit shall be stored outside. The applicant shall comply with all criteria for Cottage Industry as specified in the Maricopa County Zoning Ordinance.
- j. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- k. This Special Use Permit shall expire ten (10) years from the date of approval by the Board of Supervisors, or upon termination of the use, whichever occurs first.
- l. The applicant shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- m. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- n. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- o. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

Darren Gerard outlined the Commission action on this item. Mr. Gerard indicated that staff received 3 letters in opposition and 3 letters in favor. There were no speakers.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval of the Special Use Permit with stipulations "a" through "o."

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board